REVENUE COURT MANUAL

OF THE

BOARD OF REVENUE

UNITED PROVINCES

Corrected up to July 1, 1938



ALLAHABAD

Superintendent, Printing and Stationery, United Provinces, India

1940

Price, Rs 2 8]

PREFACE

UNDER the Board of Revenue Act (XII of 1922) certain non-judicial powers of the Board were transferred to Government and consequently the rules framed in the exercise of those powers and contained in Board's Circulars Departments II, III IV V, VI VII IX, IXA, X XI, and XII, were incorporated by Government in the Revenue Manual whilst those contained in Department VII were issued in the Land Records Manual The rules relating to judicial work and the settlement of land revenue alone were left in the Board's Circulars

The passing of the Agra Tenancy Act 1926 rendered it necessary to amend the rules relating to court work and to add new rule regarding the procedure to be followed in applications for (1) Conferment and recording of occupancy rights (Sections 17 and 18), (2) Exchange of land between tenants (Section 39) (3) Acquisition of land by landlords (Sections 40 41 42) (4) Ejectments by notice (Sections 79 81 86) (5) Reference to the Civil Courts by revenue courts and vice versa (Sections 271 and 273)

These rules as amended and amplified are now issued in a separate manual to be styled Revenue Court Manual Rules relating to partition will be issued in a separate handbook, as a supplement to this Manual The rules relating to settlement of land revenue also will in due course be issued as a Settlement Manual the Board's Circulars will then become obsolete

The arrangement of chapters in this Manual is almost the same as in the Board's Circulars Department II but a very important differentiation has been made between rules which have the force of law and those which are of the nature of administrative directions The former are called "rules" and are numbered consecutively throughout the Manual while the latter are called Instructions' and have been added to the rules on the subject

In order to facilitate reference a reference table showing the rules in Board's Circular Department II, corresponding to the rules and instructions in this Manual has been appended

The work of drafting this Manual was entrusted to Babu Raj Narain Brimhwar, B.A., LL.B., Deputy Collector, Allahabad, who was placed on special duty for this work for four months. During this period he completed about two-thirds of the work and the rest was done by Rai Sahib Pandit Raj Narain Misra, B.A., Junior Secretary, Board of Revenue.

H. S. ROSS,
Secretary, Board of Revenue,
United Provinces.

ALLAHABAD:
The 14th October, 1929.

REVENUE COURT MANUAL

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PART I

General Rules of Procedure relating to Suits, Appeals and other Proceedings in Revenue Courts

REVENUE COURT WORK

CHAPTER I

Instructions relating to General Conduct of Business

Government notification nos. 2122 and 2124/I—571F, [illegible] 16th [illegible] and [illegible]

1 Rules defining the business, matters proceedings and orders under the United Provinces Land Revenue Ac [illegible] judicial or non judicial, respectively, [illegible] Revenue Manual It is also provided [illegible] rules for the conduct of business, proce [illegible] revision contained in this Manual sh [illegible] judicial matters also

Government notification no 1301/I—161, dated the 22nd July, 1921 (serial no 10/II—145B)

Presentation of petitions to Board of Revenue

2 Every appeal and application to the Board of Revenue shall, unless the Board by special orders in any case otherwise direct be presented to the Registrar of the Board's office at Allahabad or to a Member on tour or at Naini Tal, or to the Commissioner of the division on tour or to the Head Assistant of his office

Every appeal or application to the Board presented to a Commissioner or his Head Assistant shall be immediately examined, and a note recorded whether the appeal or application is in due form is stamped to the full extent of the court fees required, and is accompanied by copies of the decrees or orders appealed against, and of the judgments passed by, all the courts subordinate to the Board and whether it is within time or not

All defects ascertained shall be pointed out to the person filing the appeal or application The appeal or application shall then be forwarded without delay to the Registrar of the Board's office at Allahabad

Appeals are governed by rule 5 Chapter VIII, and till the copies referred to therein are filed the appeal has not been properly presented and ordinarily the instructions of paragraph 4(1) chapter VIII should be followed When however the memorandum of appeal is not returned for filing the copy, the memorandum should be endorsed as follows

"Sufficiently stamped, but copy of order of appellate court not filed Required copy to be filed before expiry of the period of limitation"

If the copy of the order of the court of first instance or of the first appeal (in case of third appeals) or the necessary copies in revision cases, are not filed, order should issue that the necessary copies must be filed within twenty one days If the order is not complied with, the case should be submitted for the orders of the Member"

For reviews, the order as to appeals applies *mutatis mutandis*

Presentation of petitions

Government notification nos 2240 II/IA 90 1932, dated the 3rd November, 1932

3 Every appeal and application to the Commissioner shall, unless the Commissioner by special order in any case otherwise directs be presented to the Head Assistant of his office or in districts where there are no divisional headquarters to the District Officer or when the District Officer is on tour to the Deputy Collector authorized on his behalf unless the litigant desires to file his appeal or application before the Commissioner direct

Every appeal or application to the Commissioner presented to a District Officer or the Deputy Collector authorized in his behalf shall be immediately examined and a note recorded whether the appeal or application is in due form is stamped to the full extent of the court fees required and is accompanied by copies of the orders or decrees of and of the judgments passed by all the courts subordinate to the Commissioner and whether it is within time or not All defects ascertained shall be pointed out to the person filing the appeal or application The appeal or application shall then be forwarded

without delay to the Commissioner of the division and five annas in postage stamps will be charged from the litigants to cover the cost of transmission by post

Appeals are governed by rule 52 Chapter VIII of the Revenue Court Manual and till the copies referred to therein are filed the appeal has not been properly presented and ordinarily the directions contained in instruction No 2(1) Chapter VIII of the Revenue Court Manual should be followed When however the memorandum of appeal is not returned for filing the copy, the memorandum should be endorsed as follows

Sufficiently stamped but copy of order of appellate court could not be filed Required copy to be filed before the expiry of the period of limitation

If the copy of the order of the court of the first instance or of the first appellate order (in case of second appeals) or the necessary copies in the revision cases are not filed order should be issued that necessary copies must be filed within fourteen days If the order is not complied with the case should be submitted for the orders of the Commissioner of the division

For reviews the order as to appeals applies *mutatis mutandis*

4 Every proceeding which may be instituted in any court other than the courts abovementioned may be instituted during the absence of the presiding officer of the court from his headquarters office by the presentation of the plaint application or appeal to the officer in charge of such office or to such other officer as the court may appoint in this behalf

[*Oudh*—The naib tahsildar is hereby declared to be the proper officer referred to in section 20 clause (2) Act XXII of 1886 and the other prescribed officer referred to in section 42 and section 59 clause (2) The naib tahsildar shall ordinarily receive and dispose of applications under these sections when he is present at the tahsil]

5 Tahsildars are bound to see that all new plaints applications or petitions whether received from the head office or presented direct at the tahsil, are duly entered in the register of pending cases For this purpose they shall periodically call for and inspect the bundles of pending cases and compare them with the entries in the register When they are at the tahsil they shall sign the register daily before closing work When they are at their headquarters they shall invariably take all petitions themselves see that the stamps are properly punched and that the punched pieces are destroyed The cancellation of the stamp shall invariably be performed in the tahsildar's presence or in his absence under the supervision of the naib tahsildar

6 Nothing in instructions nos 1 2 3 and 4 shall be deemed to authorize an application to be made otherwise than to the court itself where a date has been fixed for hearing a case and the application relates to any matter connected with the conduct of the case or with any proceedings in connection therewith

Affixing of notices, etc, to court house

7 Every summons notification or other document required to be affixed or published at or in a court house shall be affixed or published at or in the headquarters office of the presiding officer of the court

Time of receipt of petitions*

8 Petitions shall be taken at regular hours to be fixed by each court with the approval of the Collector and the Collector shall fix an hour for the receipt of petitions in his own court Intimation of the hours fixed shall be given to the public

Orders on petitions*

9 All petitions shall if possible be disposed of by an order passed in court as soon as they are presented It is desirable that with the petition should be presented an abstract on a slip in the form prescribed to serve as a †receipt If this is done the slip shall be signed in token of receipt of the petition and returned immediately to the applicant with an abstract of the order passed

*Notification no 3070/I—241 1906 dated the 3rd December 1906

†B R form no 202 (vernacular)

10 In the case of a petition presented on behalf of a Court of Wards, or Government estate, or an estate managed by an officer of Government, the person presenting it may also attach to it a certificate showing in such detail as may be required the amount expended on stamps on the petition, and the official receiving the petition shall attest on the certificate the amount of the stamps borne on the petition and sign and return the certificate to the said person or the person presenting the petition may enter the details of the amount expended on stamps on the petition in column 2 of the receipt slip prescribed by the preceding instruction in which case the official shall attest the amount in column 6 of that receipt slip

Notification no. 131/I—40, dated the 18th January, 1918.

11 A list of general holidays (as issued by the Government) shall be affixed in every court house

List of holidays to be maintained

12 Without the consent of parties and in the absence of urgent necessity, no case shall be heard on a general holiday

Cases not to be heard on holidays.

Provided that on a general holiday the court shall not refuse to do any act or to make any order urgently required which may with propriety be done or made out of court

13 A cause list* shall be prepared in every Court either by the presiding officer personally or under his direct personal supervision, every fortnight or at such shorter intervals as may be convenient showing (a) the date fixed for the hearing of each case (b) the number and description of the case (c) the names of the parties (d) the purpose for which the date has been fixed and (e) the place at which the case will be heard, or if the case will be heard in camp, the place at which it will probably be heard

Cause lists

14 The cause list shall be affixed in some conspicuous place in the court house

15 Whenever the court is held away from headquarters, arrangements shall be made for the maintenance of the cause list at headquarters

16 If on the day appointed for the hearing of a case in camp the court is not sitting at the place specified and the parties are not present either a fresh date and place shall be fixed for hearing the case, or the case shall be adjourned for a time sufficient to allow of the parties travelling from the place specified to the place at which the court is sitting

Hearing of cases in camp

17 (1) In general, touring officers must be relieved of as much case work as is possible without their authority as sub divisional magistrates being impaired

Government resolution no 32191/III—331, dated the 11th December, 1917

(2) Of the case work of which touring officers are not relieved they should do as much as possible at headquarters or at centres convenient of access to litigants and the bar—more especially cases of importance

(3) When the stock of tents in a district allows an extra tent for the use of litigants and lawyers should be taken out at Government expense by officers when they are going to out of the way places where suitable shelter accommodation, etc, are not available

(4) Every officer before proceeding on tour should draw up a programme of his movements, copies of which should be posted at the headquarters kachehri, the tahsil, and the thanas concerned Copies should also be sent to the vakils' and mukhtars' libraries

Officers should adhere to the progamme as closely as possible, and when dates or places are changed, intimation of such changes should be sent to all places where copies of the list are exhibited or have been sent, and, as long notices as possible of such changes given

(5) When parties and witnesses are summoned to appear in camp the place as well as the date should always be stated in the summons

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(3) When the stock of tents in a district allows an extra tent for the use of litigants and lawyers should be taken out at Government expense by officers when they are going to out of the way places where suitable shelter accommodation, etc are not available

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remember that there are obvious advantages in fixing and notifying certain days on which the public will have a reasonable certainty of finding them in a position to take up cases at regular hours

Book lists

18 In addition to the cause list, a book list shall be maintained in the language of the presiding officer of the court showing the same particulars as the cause list

Business statement

19 (1) A business statement showing the number of cases instituted, disposed of and pending in the preceding half year in the prescribed form* for all the courts of Assistant Collectors 2nd class will be submitted by the District Officers with their comments thereon to the Commissioner by 10th April and 10th October, for such orders as he may desire to pass

(2) Another consolidated statement in duplicate in the same form* for all the courts of Assistant Collectors 1st class, and that of the Collector will be submitted by the District Officers to the commissioner by 10th April and 10th October One of these copies will be for the Commissioner and the other for the Board Both these copies should be accompanied by brief explanations of the causes of delay in the case of the oldest case pending for over six months in each class except partition cases In the case of the latter such explanations should be given for the three oldest cases pending for over one year

Notification no 5266/IA—453 1926, dated the 21st December 1926, as amended by G O no 2067/I—453 dated the 27th September, 1934 G O no 1766/I—420, dated the 2nd October, 1937 G O no 918 (2) Rev I dated the 21st December, 1937

Commissioners should carefully scrutinize the statements giving special attention to enhancement and partition cases and should issue necessary orders to the district officers They will forward the Board's copy to the Secretary Board of Revenue United Provinces with their remarks before the end of the first month in the following half year

20 The Collector shall submit on 15th April and 15th October, each year a return in the following form to the Commissioner showing the progress of execution proceeding in—

(1) All Civil Court decrees relating to agricultural land or any interest in such land which have been transferred to him for execution in the provinces of Agra as well as in Oudh

(2) all Revenue Court decrees relating to ancestral land or any interest in such land which have been transferred to him for execution in Oudh and

(3) all Revenue Court decrees relating to agricultural land or any interest in such land which have been transferred to him for execution under serial 13 List II of the Second Schedule to the Agra Tenancy Act III of 1926

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*B R form no $\frac{\text{219 for Agra Provinces}}{\text{221 for Oudh}}$

1		2		3		4		5				6	7	
Number of cases pending at the beginning of half year		Number of cases received by the Collector during half year		Total for disposal		Disposal during the half year		Balance pending				Pending, over 12 months	Date of receipt by the *Collector of six oldest* cases [other than those shown in column 5(*a*) and (*b*), with explanation of delay]	
(*a*) Civil court decrees	(*b*) Revenue court decrees	(*a*) Civil court decrees	(*b*) Revenue court decrees	(*a*) Civil court decrees	(*b*) Revenue court decrees	(*a*) Civil court decrees	(*b*) Revenue court decrees	(*a*) Postponed under Encumbered Estates Act	(*b*) Stayed *under* orders of Court	(*c*) Otherwise	(*d*) Total		Civil court decrees	Revenue court decrees

NOTES—(1) Only cases which were received by the Collector before 1st July and 1st January, and are pending on 31st March and 30th September, respectively should be shown in the returns

(2) Pending cases only should be shown in the returns. Cases in which the files have been returned to the courts concerned should not be shown.

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(a) Civil court decrees	(b) Revenue court decrees	(a) Civil court decrees	(b) Revenue court decrees	(a) Civil court decrees	(b) Revenue court decrees	(a) Civil court decrees	(b) Revenue court decrees	(a) Postponed under Encumbered Estates Act	(b) Stayed under orders of Court	(c) Otherwise	(d) Total		Civil court decrees	Revenue court decrees

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CHAPTER II

Instructions relating to Applications under section 39 of the Agra Tenancy Act, 1926

Entry in the patwari papers

1 When under the provisions of section 39 of the Act orders have been passed by the court giving effect to the exchange the file will be made over to the Registrar Qanungo of the tahsil who shall be responsible for the necessary entries being made in the patwari's papers and the fact, that the entries as ordered have been duly made, shall be noted in the record of the case before it is sent to the record room

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*Rules of Procedure relating to Applications under sections 40 and 41 of the Agra Tenancy Act, 1926**

* G O no 4818/ IA—372/1927, dated the 9th December 1927

Applications under section 40 or 41 of the Agra Tenancy Act

1.—Every application under section 40 or 41 of the Act shall be in duplicate and shall contain the following particulars

(1) Name, parentage, caste and residence of the landlord or permanent tenure holder,

(2) the extent of his interest in the mahal, thok or patti concerned,

(3) the plot numbers and area of any *sir*, *khudkasht* or groves held by him in the village concerned, and a statement whether each plot is leased,

(4) an abstract copy of the village map showing *(a)* the land which he wishes to acquire and *(b)* the land held by him as *sir*, *khudkasht* or grove,

(5) a list of the other property which he holds as landlord or permanent tenure holder with the area of his *sir* and *khudkasht* in each village,

(6) the name parentage, caste and residence of the tenant or tenants,

(7) the class or classes of their tenancy,

(8) a description of the land for the acquisition of which the application is made namely, tahsil or pargana, the mauza and mahal and if there be such sub divisions of the mahal, the thok or patti in which the land is situated; where fields have been numbered in a Government survey, the number and area of each field; the class of soil of each plot to be acquired if the soil has been classified; and the rent payable. If the land to be acquired is not

a complete holding the area and rent of the holding must also be given,

(9) a list of other holdings of the tenant or tenants concerned,

(10) the purpose for which the land is required for the acquisition in which the application is made

2 If the landlord proposes to give to the tenant by way of compensation land with similar advantages in the same village or with the consent of the tenant in another village a full description of the land so proposed to be given shall also be given in duplicate in the application

Compensation in land

3 —The applicant shall also specify in his application the amount if any of the monetary compensation which he proposes to give to the tenant under section 40(2) or section 41(3) and shall show the manner in which the amount has been calculated

Compensation in money

4 —On receipt of the application the Collector shall fix a date and shall issue a notice to the tenant informing him that if he objects to the application he should appear on the date fixed and file his objection The notice shall be accompanied by a copy of the application

Notice to tenants

5 —Where it is proposed that land situated in another village shall be given to the tenant by way of compensation the Collector shall ascertain from the tenant whether he agrees to the proposal and shall record the tenant consent in writing before giving effect to the proposal

Tenant's consent in writing

6 —The Collector shall not pass an order of ejectment until the applicant has deposited in court the full amount of monetary compensation awarded if any including any amount which may be due for improvements

Deposit of monetary compensation

7 —The amount of compensation so deposited shall be paid to the tenant and the tenant shall also be put in possession of the land if any which has been awarded to him by way of compensation

Award of compensation to tenant

Rules of Procedure relating to Application under section 42, clause (2) of the Agra Tenancy Act, 1926

8 —Every application under section 42 clause (2) of the Act shall be presented in triplicate and shall contain the following particulars

Application under section 42

(1) name parentage caste and residence of the dispossessed tenant

(2) name, parentage caste and residence of the landlord or permanent tenure holder,

(3) description of the land from which the tenant was dispossessed, i e the tahsil or pargana the mauza and mahal and if there be such sub division of the mahal, the thok or patti in which the land is situated, and where fields have been numbered in a Government survey the number and area of each field and the rent payable for the land,

(4) date of ejectment of the tenant from the land,

(5) amount of compensation paid to the dispossessed tenant,

(i) for the land and

(ii) for improvements,

(6) if any land situated in the same or in another village was awarded by way of compensation, the number and area of each field so awarded,

(7) the grounds on which reinstatement in the land is applied for

Person to whom the land is let to be a party

9.—Where the land is alleged to have been let within six years of the date of the ejectment of the tenant to another person, that person shall also be made a party to the proceedings

Copy of Collector's order to be filed

10.—A certified copy of the order of the Collector passed under section 40 or 41 of the Act ordering the acquisition of the land shall be filed with the application

Notice to landlord

11.—On receipt of the application the Collector shall fix a date and shall issue a notice to the landlord or permanent tenure holder specified in the application informing him that if he objects to the application he should appear on the date fixed and file his objection The notice shall be accompanied by a copy of the application

Notice to the person to whom the land is let

12.—If the land is alleged to have been let to another person a notice accompanied by a copy of the application shall be served on that person also

Deposit of amount of compensation

13 —The Collector shall not make an order of reinstatement until the applicant has deposited in court the amount of compensation awarded to him under section 40 or 41 of the Act after deducting the amount determined by the Collector as compensation for dispossession

Payment of the amount deposited to landlord

14.—The amount so deposited by the applicant shall be paid to the landlord or permanent tenure holder after the reinstatement of the applicant in the land

CHAPTER III

Rules relating to Summonses and Processes*

15.—An application for the issue of a summons for a party or a witness shall ordinarily be made in the form† prescribed for the purpose. The requisite number of printed summons forms duly filled in should be filed along with this application.

*G. O. no. 2581C/I-A, dated the 4th July, 1928 serial no. 158/(384B)

Application for issue of a summons

16.—Where there are no special rules of procedure for service of notices in the Act under which they are issued, they shall be served under the provisions of Order V, Schedule I of the Civil Procedure Code.

Service of notices

Application for issue of Summons to a Party or Witness†

No. of suit

Name of parties

In the court of the

Date fixed for hearing

1	2	3	4		5		6
Number of witnesses to be summoned	Name and full address of each person to be summoned	Rank or occupation	Distance of residence from Court		Cash paid for—		Name and address of person to whom unexpended travelling expenses and diet money should be returned
			Rail	Road	Travelling expenses	Diet expenses	

†B. R. form no. 117

(2) name parentage caste and residence of the landlord or permanent tenure holder,

(3) description of the land from which the tenant was dispossessed i e the tahsil or pargana the mauza and mahal and if there be such sub division of the mahal the thok or patti in which the land is situated and where fields have been numbered in a Government survey the number and area of each field and the rent payable for the land

(4) date of ejectment of the tenant from the land

(5) amount of compensation paid to the dispossessed tenant,

(i) for the land and
(ii) for improvements

(6) if any land situated in the same or in another village was awarded by way of compensation the number and area of each field so awarded

(7) the grounds on which reinstatement in the land is applied for

Person to whom the land is let to be a party

9—Where the land is alleged to have been let within six years of the date of the ejectment of the tenant to another person that person shall also be made a party to the proceedings

Copy of Collector's order to be filed

10—A certified copy of the order of the Collector passed under section 40 or 41 of the Act ordering the acquisition of the land shall be filed with the application

Notice to landlord

11—On receipt of the application the Collector shall fix a date and shall issue a notice to the landlord or permanent tenure holder specified in the application informing him that if he objects to the application he should appear on the date fixed and file his objection The notice shall be accompanied by a copy of the application

Notice to the person to whom the land is let

12—If the land is alleged to have been let to another person a notice accompanied by a copy of the application shall be served on that person also

Deposit of amount of compensation

13—The Collector shall not make an order of reinstatement until the applicant has deposited in court the amount of compensation awarded to him under section 40 or 41 of the Act after deducting the amount determined by the Collector as compensation for dispossession

Payment of the amount deposited to landlord

14—The amount so deposited by the applicant shall be paid to the landlord or permanent tenure holder after the reinstatement of the applicant in the land

CHAPTER III

Rules relating to Summonses and Processes*

15.—An application for the issue of a summons for a party or a witness shall ordinarily be made in the form† prescribed for the purpose The requisite number of printed summons forms duly filled in should be filed along with this application

*G O no 2081C/I A, dated the 4th July, 1928 serial no. 158/ (384B)

Application for issue of a summons

16 —Where there are no special rules of procedure for service of notices in the Act under which they are issued, they shall be served under the provisions of Order V, Schedule I of the Civil Procedure Code

Service of notices

Application for issue of Summons to a Party or Witness†

No of suit

Name of parties

In the court of the

Date fixed for hearing

1	2	3	4		5		6
Number of witnesses to be summoned	Name and full address of each person to be summoned	Rank or occupation	Distance of residence from Court		Cash paid for—		Name and adress of person to whom unexpended travelling expenses and diet money should be returned
			Rail	Road	Travelling expenses	Diet expenses	

†B R form no 117

Instructions relating to Summonses and Processes*

*G O. no. 497/IA—390/1927, dated the 27th March 1928 (serial no 120/384B)

Filing of summons by parties

1 (a) A party shall file with his application for the issue of a summons/appeal, a printed summons/notice form in duplicate, one part being in the Persian and the other in the Nagri character duly filled in, except in respect of the date of appearance/hearing and the date of issue of the summons/notice

G O no 1887 IA—233 dated the 19th November 1932

1A A party or his agent may, by leave of the court, effect the service of summonses on his own witnesses by personal service

1B In cases in which summonses for witnesses are, with the sanction of the court, served by a party or his agent, rule 39, Chapter VII, of the Revenue Court Manual does not apply and no process fee should be charged

NOTE—Except in the Kumaun division, where both parts of the summons should ordinarily be in Nagri character

Provided that the presiding officer may, in his discretion, direct that such forms in general or any particular such form be filled up entirely in the office of the court

(b) Printed forms of summonses and notices may be obtained for one pice each from legal practitioners as well as licensed stamp vendors to whom copies of the forms will be issued in quantities of not less than one hundred at a time at the rate of Re 1-4 a hundred

(c) The forms must be filled up in a bold clear and easily legible handwriting

The parties their recognized agents or their pleaders shall sign the forms in the left hand bottom corner, and will be responsible for the accuracy of the information entered in the forms

(d) Where there are printed forms available for any process such forms shall invariably be used Where there is a prescribed form but no printed copies are available a process shall be written in the prescribed form In cases where there is no prescribed form a standard form if possible shall be modified to meet the requirements of the particular case Great care is required to see in every case that the proper form is selected that any necessary modifications are made before it is issued, and that where no standard form exists the written order follows the requirements of the law

Diet money and expenses

2 Except as laid down in Instruction no 1B parties summoning witnesses shall deposit their diet money and expenses before the issue of the process, and such money shall be tendered to witnesses along with the summonses as provided in Order XVI, Civil Procedure Code

Deposit of diet money with nazir

3 When any party or his agent presents an application for summoning witnesses the court shall pass an order directing the nazir to receive payment and return the application to the party concerned with orders that the diet money and other expenses should be paid direct by the party himself to the nazir or naib nazir as the case may be The nazir shall certify the receipt of the said money on the application and return it to the court On receipt of the nazir's report the court shall proceed forthwith to issue the summons

Entries in processes

4 In every process and order (of whatever description) issued or made by any court for whatever purpose it may be issued or made the name of the district and of the court from which the same is issued, and also the name and powers of the officer issuing or making it, shall be clearly set out in such a manner that they may be easily read

5 In every process or order appointing a day for the attendance in the court of any person, or for the disposal of any business in connection with the proceeding pending before the court, the place at which the court will sit on that day shall be specified with as much accuracy as is possible

Entries in summons

6 In every summons for the appearance or attendance of a party or witness the day of the month and the hour fixed for such appearance or attendance shall be stated in words and in figures

Precaution to ensure correct service of summons or other process

7 Before issuing for service any summons or other process, the issuing officer shall satisfy himself that such full particulars of the description of the person summoned are entered therein as will render it unlikely that the process server should mistake the identity of the persons summoned The names of Europeans Anglo-Indians or Indians bearing European names shall be written in English as well as in vernacular, the Christian name or names, if possible and otherwise the initial the profession or trade, and the full address of the person summoned shall be accurately set forth In the case of Indians the name, father's name, caste, occupation district, village or town, and muhalla if any, shall be set forth in the summons but no caste shall be given in the case of Indian Christians The full description of the residence is especially necessary in all processes issuing for service in native states or in large cities Where such particulars do not appear in the record or in the application for issue of summons the orders of the court shall forthwith be taken by the reader

Summons to public servants

8 A summons to a public officer or a railway servant or telegraph official shall ordinarily be served through his official superior as provided in rule 27 Order V Civil Procedure Code and a reasonable time shall be allowed for appearance in order that the necessary arrangements for the performance of the duties of the person summoned may be made

9 Whenever it may be necessary to issue a summons to an officer or soldier in military employment to attend a revenue court as defendant or as witness, the summons to an officer shall be sent direct to him for service and the summons to a soldier shall be sent to his Commanding Officer for service as provided in rule 2 , Order V Civil Procedure Code In such cases sufficient time shall always be given to admit of arrangements being made for the relief of the person summoned

10 Simultaneously with the issue of a summons to any public servant other than those mentioned in instructions nos 8 and 9 the court issuing the summons shall send an intimation of its having done so to the official superior of the officer or servant summoned in order that if need be arrangements may be made for the performance of the duties of such officer or servant during his absence Thus, if a court summons a Sub Registrar, it shall send immediate intimation of the issue of the summons to the District Registrar to whom such Sub Registrar is subordinate

Mode of service.

11 Processes should be served with the utmost care their contents being explained to the parties and proper acknowledgments taken One copy is to be delivered to the person named in the summons or such other person as may be authorized to receive it for him On the second copy must be entered the acknowledgment of the person served attested by two neighbours The process server shall prepare his report on the spot at the time of executing the process

12 If the person to whom a summons is addressed be absent the process server will do his utmost to ascertain by inquiring whether he is in the neighbourhood or gone to a distance the date and reason of his departure and probable date of his return Order V rule 17 read with Order XVI rule 8 Code of Civil Procedure provides that if the serving officer, cannot find the person summoned or his agent or any adult member of his family he shall affix a copy of the summons to the house If such person is merely temporarily absent from home when the process server calls it is not correct to say that he cannot be found

13 If the summons be attached to the door of a house an acknowledgement of its being posted is to be taken if in a town, from two respectable neighbours and if in a village from the landholder or his representative whenever possible and the patwari or chaukidar

14 If the court decides to substitute service by publication in a newspaper the court should select the paper or papers after considering which is or are the most likely to be brought to the notice of the person to be served

Return of service.

15 Return of service of summons shall be made in the prescribed form * It shall be signed or marked by the serving officer and countersigned by the nazir

Verification of service.

16 When the summons is for the attendance of a defendant, the return of service shall be verified by the affidavit of the serving officer

Service of summonses out of British India.

17. The procedure for the service of summonses issued by the revenue courts in these provinces is prescribed by rule 26B, Order V of the Code of Civil Procedure

The schedule annexed to these rules gives the names of courts situate beyond the limits of British India in respect of which reciprocal arrangements have been made with courts in British India in the matter of service of summonses issued to and by the courts concerned While issuing a process for service, the court shall endorse on the process that the fee chargeable has been levied and the process so endorsed will be served free of further charge by the court to which it is sent

*B R form no 111

FOREIGN AND POLITICAL DEPARTMENT

Dated the 15th May, 1923

No 321/I —In supersession of the notifications mentioned in the Second Schedule annexed hereto and of all notifications amending the same the Governor General in Council is pleased—

(1) in exercise of the powers conferred by section 44 of the Code of Civil Procedure 1908 (Act V of 1908), to declare that the decrees of the Courts specified in the second column of the First Schedule hereto annexed, being Courts of the States respectively mentioned in the first column of the said Schedule and not established or continued by the authority of the Governor General in Council, may be executed in British India as if they had been passed by the courts of British India and

(2) to notify for general information that the States mentioned in the first column of the First Schedule have agreed that the decrees passed by civil courts in British India may be executed in their respective territories by the courts specified in the third column of the First Schedule

FIRST SCHEDULE

States	Courts	Courts
1. BARODA .	All civil courts	All civil courts
2. BENARES ..	The following civil and revenue courts, namely: Chief Court, Ramnagar. District Judge's Court, Gyanpur. Collector's Court, Gyanpur. Collector's Court, Chakia. Collector's Court, Ramnagar Civil Judge's Court, Chakia Civil Judge's Court, Ramnagar Deputy Collector's Court, Gyanpur. Assistant Collector's Court, tahsil East Gyanpur. Assistant Collector's Court, tahsil West Gyanpur Assistant Collector's Court, Chakia Assistant Collector's Court, Ramnagar	The courts of the Benares State specified in the second column
3. STATES AND ESTATES IN POLITICAL RELATIONS WITH THE GOVERNMENT OF BOMBAY		
In the Mahi Kantha Agency—		
Malpur ..	Court of the Manager of Malpur.	The courts of the States and Estates in political relations with the Government of Bombay specified in the second column.
Varsoda .. .	Court of the Manager of Versoda.	
Ilol	Court of the Manager of Ilol	
Valasna	Court of the Manager of Valasna.	

States	Courts	Courts
3 STATES AND ESTATES IN POLITICAL RELATIONS WITH THE GOVERNMENT OF BOMBAY—(contd.)—		
In the Mahi Kantha Agency—(concld.)—		
Magodi	Court of the Sarkari Kamdar, Magodi	
Vadagam	Court of the Manager of Vadagam	
Ramaz	Court of the Juptidar of Ramaz	
In the Rewa Kantha Agency—		
Rajpipla	Huzur Court of Rajpipla.	
	Court of the Sar Nyayadhish of Rajpipla	
	Court of the Munsif of Nandod	
	Court of the Munsif of *Jhagadia*	
Chhota Udepur	Huzur court of the Chhota Udepur State	
	District Judge's Court, Chhota Udepur.	
	Court of the Nyayadhish, Chhota Udepur	
Baria	Huzur court of the Baria State	
	Court of the Sar Nyayadhish of the Baria State	
	Court of the Nyayadhish of the Baria State	
Balasinor	Huzur court, Balasinor	
	Court of the District Judge, Balasinor	
	Court of the Nyayadhish, Balasinor	
Sant	*Huzur court of the Sant State.*	

States	Courts	Courts
3 STATES AND ESTATES IN POLITICAL RELATIONS WITH THE GOVERNMENT OF BOMBAY—(contd)		
In the Rewa Kantha Agency—(concl)		
Sant—(*concld*)	Court of the Karbhari of the Sant State	
	Court of the Nyayadhish of the Sant State	
Jambughoda	Court of the Thakor	
	Court of the Karbhari	
In the Kolhapur Agency		
Kolhapur	Court of His Highness the Maharaja of Kolhapur	
	Combined court of the Resident, Kolhapur, and Political Agent, Southern Mahratta Country States and His Highness the Maharaja of Kolhapur	
	Court of the Chief Judge, Kolhapur	
	Court of the First Class Subordinate Judge, Kolhapur	
	Court of the Second Class Subordinate Judge, Shirol	
	Court of the First Class Subordinate Judge, Gadhinglaj	
	Court of the Munsif of Katkol	
	Court of the Jaghirdar of Kagal (Junior)	
	Court of the Munsif of Kagal (Junior)	
	Court of the Jaghirdar of Bavda	
	Court of the Munsif of Bavda	
	Court of the Jaghirdar of Ichalkaranji	

States	Courts	Courts
3 STATES AND ESTATES IN POLITICAL RELATIONS WITH THE GOVERNMENT OF BOBMAY—(*contd*)		
In the Kolhapur Agency—(concld)		
Kolhapur—(*concld*)	Court of the Munsif of Ichalkaranji Court of the Munsif of Ajra	
	Court of the Jaghirdar of Vishalgad	
	Court of the Munsif of Vishalgad	
	Court of the Second Class Subordinate Judge, Kolhapur	
	Court of the Jaghirdar of Kagal (Senior)	
	Court of the Munsif of Kagal (Senior)	
	Court of the Himat Bahadur, Kolhapur	
	Court of the Munsif of the Himat Bahadur, Jaghir	
	Court of the Munsif of Kapshi	
	Court of the Munsif of Sarlashkhar Jaghir	
In the Southern Maratha Country Agency		
Sangli	Huzur Court of Sangli	
	Nyavadhish Court of Sangli	
	Subordinate Judge's Court, Central Division (Miraj Prant Taluka including Sangli and the Terdal Taluka)	
	Subordinate Judge's Court Southern Division (including the Talukas of Shahapur and Shirhatti)	

States	Courts	Courts
3 STATES AND ESTATES IN POLITICAL RELATIONS WITH THE GOVERNMENT OF BOMBAY—(contd.)		
In the Southern Maratha Country Agency—(concld.)		
Sangli—(concld.)	Subordinate Judge's Court Northern Division (including the Talukas of Kuchi and Mangal Wedhe)	
Miraj (Senior)	Court of the Chief of Miraj (Senior)	
	Court of the Nyayadhish of Miraj (Senior)	
	Court of the Munsif of Laxmeswar	
	Court of the Munsif of Modnimb	
Miraj (Junior)	Huzur Court	
	Court of the District Judge	
	Court of the Munsif, Budhgaon	
	Court of the Munsif of Gudgeri	
	Court of the Munsif, Khandal	
Ramdurg	Court of the Chief	
	Court of the District Judge.	
	Court of the First Class Subordinate Judge	
	Court of the Second Class Subordinate Judge	
	Court of the Sub Saranjamdar of Mhysal	
Kurundwad (Junior) .	Huzur court	
	Court of the Nyayadhish	
In the Belgaum Agency—		
Savantvadi .	Huzur court, Savantvadi	

States	Courts	Courts
3 STATES AND ESTATES IN POLITICAL RELATIONS WITH THE GOVERNMENT OF BOMBAY—(*contd*)		
In the Belgaum Agency—(concld)		
Savantvadi—(*concld*)	Court of the Minister of Justice and Finance, Savantvadi	
	Court of the Chief Judge, Savantvadi	
	Court of the Nyayadhish of Savantvadi	
	Court of the Munsif of Kudal	
In the Dharwar Agency		
Dharwar	Court of the Political Agent Dharwar	
In the Kolaba Agency		
Janjira	Court of the Sar Nyayadhish of Janjira	
In the Nasik Agency		
Surgana	Court of the Deshmukh of Surgana	
In the Sholapur Agency		
Akalkot	Court of the Regent (High Court), Akalkot	
	Court of the Sar Nyayadhish (District Court) Akalkot	
	Court of the Nyayadhish, Akalkot	
	Court of the Nyayadhish at Pilio	
	Court of the Nyayadhish at Kurla	
In the Surat Agency		
Sachin	Court of the Political Agent, Surat	
	Court of the Assistant Political Agent for the Dangs	

States	Courts	Courts
3 STATES AND ESTATES IN POLITICAL RELATIONS WITH THE GOVERNMENT OF BOMBAY—(concld.)		
In the Surat Agency—(concld.)		
Sachin—(concld.)	Huzur Court	
	The Judicial Commissioner's Court	
	Judicial Officer's court	
4 COOCH BEHAR	All civil and revenue courts	All civil courts
5 KASHMIR	Court of His Highness the Maharaja	The courts of the Kashmir State specified in the second column.
	Court of the Judge, High Court	
	Courts of the District and Sessions Judges, Jammu and Kashmir	
	Courts of the Sub Judges Jammu, Mirpur Kotli Udhampur, Srinagar and Muzaffarabad	
	Court of the Judge, Small Cause Court, Srinagar	
	Courts of the Wazir Wazarats, Leh and Gilgit	
	Courts of the City Munsifs, Srinagar, Anantnag, Shopayan, Baramulla Jammuk, Sriranbirsinghpura, Sambha Kanthua, Rajori Ramnagar Raisi, Doda Kishtwar, Mirpur and Bhimber	
6 MADRAS STATES		
Cochin .	Chief Court of the State of Cochin	All civil courts of the State of Cochin
	District Courts and the Courts of Munsifs of the State of Cochin	

States	Courts	Courts
6 MADRAS STATES—(concld)		
Cochin—(concld)	Provided that when the decree sent to a court in British India for execution is a decree of the court of a Munsif, the documents mentioned in section 224 of the Code of Civil Procedure, 1908 (Act V of 1908), bear the countersignature of the Judge of the District Court to which the court of the Munsif is subordinate	
Pudukkottai	Chief Court of the State of Puddukottai, other than decrees of the Registrar of that Court	All civil courts of the State of Pudukkottai
Travancore	High Court of the State of Travancore	All civil courts of the State of Travancore
	District Courts and the *Courts of Munsifs of the* State of Travancore	
	Provided that when the decree sent to a court in British India for execution is a decree of the court of a Munsif The documents mentioned in section 224 of the Code of Civil Procedure 1908 (Act V of 1908) bear the countersignature of the Judge of the District Court to which the Court of the Munsif is subordinate	
7 MYSORE	*All civil and revenue courts* of the Mysore State	All *civil courts* of the Mysore State
8 SIKKIM	Chief Court of Sikkim in the exercise of its civil jurisdiction	

SECOND SCHEDULE

Notification no 53-J, dated the 7th March, 1879
Notification no 233 I J dated the 25th November, 1881
Notification no 4035 I, dated the 10th December, 1885
Notification no 4036 I, dated the 10th December, 1885
Notification no 4395 I A, dated the 8th December 1904
Notification no 2877 I A dated the 13th July, 1906

Notification no 2681 I A, dated the 3rd July, 1909
Notification no 1311 I B dated the 30th June 1911
Notification no 2053 I B dated the 22nd September, 1911
Notification no 3209 I B dated the 3rd July 1919
Notification no 2855 I B dated the 26th August 1920

No 322 I —In exercise of the powers conferred by the Indian (Foreign Jurisdiction Order) in Council, 1902 (hereinafter referred to as the said order) and in supersession of the notifications specified in the Second Schedule hereto annexed and of notifications amending the same, the Governor General in Council is pleased to direct—

(1) that a summons issued by any of the courts specified in the first column of the First Schedule annexed hereto for service within the limits of jurisdiction of a court established or continued by the authority of the Governor General in Council in any territories within the limits for the time being of the said order shall, if sent to such court be served by that court in the manner provided by the Code of Civil Procedure, 1908 (Act V of 1908) and after being so served be returned, with such an endorsement under the hand of the Judge of the Court as is mentioned in rule 26 of order V of the First Schedule of the said Code and

(2) that a decree of any court specified in the second column of the First Schedule annexed hereto may, if sent for execution to a court established or continued by the Governor General in Council in the said territories, be executed by the court to the same extent and in the same manner as that court might execute within the limits of its jurisdiction, a decree made by itself

FIRST SCHEDULE

Courts	Courts
1 Any civil or revenue court in British India	Any civil or revenue court in British India Provided that the court to which the decree is sent for execution has been notified in pursuance of section 45 of the Code of Civil Procedure 1908 (Act V of 1908)

Courts	Courts
2 Any court established or continued by the authority of the Governor General in Council, in the territories of any foreign Prince or State within the limits for the time being of the said order	The courts specified in the second entry in the first column
3 Any civil or revenue court, not established or continued by the Governor General in Council, in the following States, namely	Any civil court in the Baroda State.
(a) Baroda	
(b) Gwalior and Khamadhana	
(c) Hyderabad	
(d) Mysore	Any civil or revenue court in the Mysore State
(e) Any state in Central India	
(f) Any State in political relations with the agent to the Governor Genral in the State of Western India.	
(g) Any State in political relations with the Government of Bombay	The following court in States or Talukas in political relations with the Government of Bombay, namely.
	In the Mahi Kantha Agency
	Court of the Japtidar of Pethapur
	Court of the Manager of Malpur
	Court of the Manager of Varsoda.
	Court of the Manager of Ilol
	Court of the Manager of Balasna
	Court of the Sarkari Kamdar of Mago h
	Court of the Manager of Badagam
	Court of the Japtidar of Ramas.
	In the Rewa Kantha Agency
	Huzur Court of R jpipla

Courts	Courts
.	*In the Rewa Kantha Agency*—(concld)
	Court of the Sar Nyayadhish of Rajpipla
	Court of the Munsif (Sub-Judge of Nandod)
	Court of the Munsif (Sub-Judge of Jhagadia)
	In the Kolhapur Residency
	Court of His Highness the Maharaja of Kolhapur
	Combined court of the Resident, Kolhapur, and Political Agent, Southern Mahratta Country States and His Highness the Maharaja of Kolhapur
	Court of the Chief Judge, Kolhapur.
	Court of the First Class Subordinate Judge, Kolhapur
	Court of the Second Class Subordinate Judge, Shirol
	Court of the First Class Subordinate Judge, Gadhinglaj
	Court of the Munsif of Katkol
	Court of the Jaghirdar of Kagal (Junior)
	Court of the Munsif of Kagal (Junior)
	Court of the Jaghirdar of Bavda.
	Court of the Munsif of Bavda.
	Court of the Jaghirdar of Ichalkaranji
	Court of the Munsif of Ichalkaranji.
	Court of the Munsif of Ajra
	Court of the Jaghirdar of Vishalgad.
	Court of the Munsif of Vishalgad.
	Court of the second class Subordinate Judge, Kolhapur.

Courts	Courts
	In the Kolhapur Residency—(concld)
	Court of the Jaghirdar of Kagal (Senior)
	Court of the Munsif of Kagal (Senior)
	Court of the Himat Bahadur, Kolhapur
	Court of the Munsif of the Himat Bahadur Jaghir .
	Court of the Munsif of Kapshi
	Court of the Munsif of Sarlashkar Jaghir
	In the Southern Maratha Country Agency
	Court of the Nyayadhish of Mudhol
	Court of the Munsif of Budhgaon } Courts of Miraj (Junior).
	Court of the Munsif of Gadgeri } Courts of Miraj (Junior).
	Court of the Munsif of Khandali } Courts of Miraj (Junior).
	In the Belgaum Agency
	Huzur Court, Savantvadi
	Court of the Minister of Justice and Finance, Savantvadi
	Court of the Chief Judge, Savantvadi
	Court of the Nyayadhish of Savantvadi
	Court of the Munsif of Kudali
	In the Kolaba Agency
	Court of the Sar Nyayadhish of Janjira
	Court of the Munsif of Janjira
	Court of the Mamlatdar, Jafrabad (in Kathiawar Agency)

Courts	Courts
	In the Sholapur Agency
	Court of the Regent (High Court), Akalkot
	Court of the Sar Nyayadhish (District Court) Akalkot
	Court of the Nyayadhish at Akalkot
	Court of the Nyayadhish at Ilho
	Court of the Nyayadhish at Kurla
	In the Surat Agency
	Court of the Administrator of Sachin
	Court of the Diwan of Sachin

SECOND SCHEDULE

Notification no 397 I B dated the 25th February, 1910
Notification no 399 I B dated the 25th February, 1910
Notification no 1363 I dated the 29th March 1889
Notification no 1364 I A dated the 29th March 1889
Notification no 1366-I dated the 29th March, 1889
Notification no 1367 I dated the 29th March, 1889
Notification no 1368 I dated the 29th March 1889
Notification no 2162 I dated the 2nd July, 1890
Notification no 4051 I A, dated the 18th September, 1902
Notification no 700 I B, dated the 9th April, 1913
Notification no 519 I, dated the 1st August, 1920

No 323 I/I —In pursuance respectively of section 29 and of clause (*b*) in rule 26 of Order V in the First Schedule of the Code of Civil Procedure, 1908 (Act V of 1908), and in supersession of the notifications mentioned in the Second Schedule annexed hereto and of all notifications amending the same the Governor General in Council is pleased to declare —

(1) that the provisions of section 29 of the said Code shall apply to the courts specified in the First Schedule hereto annexed and

(2) that service by the said courts of any summons issued by a court in British India under the said Code shall be deemed to be valid service

FIRST SCHEDULE

Agency	State	Court
In States in direct relations with the Government of India		
1. BARODA ..	Baroda ..	All civil and revenue courts of the Baroda State.
2. CENTRAL INDIA		*Civil Courts*
Indore ..	Indore ..	High Court of Judicature, Indore.
		District Court, Nimar, Mandleshwar.
		First Grade Munsif's Court, Mandleshwar.
		District Court, Rampura Bhanpura, Garoth.
		First Grade Munsif's Court, Garoth.
		District Court, Mahidpur.
		District Court, Nemawar, Kannod.
		District Court, Indore.
		Nazim Adalat Court, Indore.
		First Grade Munsif's Court, Khargone.
		First Grade Munsif's Court, Manasa.
		Revenue Courts
		All revenue courts in the Indore State.
Bundelkhand ..		*Civil and Revenue Courts*
	Datia ..	Darbar Court, Datia.
	Panna ..	Darbar Court, Panna.
	Charkhari ..	Darbar Court, Charkhari.
	Ajaigarh ..	Darbar Court, Ajaigarh.
	Bijawar ..	Darbar Court, Bijawar.
	Chhatarpur ..	Darbar Court, Chhatarpur.
	Baoni ..	Darbar Court, Kadaura.

Courts	Courts
	In the Sholapur Agency
	Court of the Regent (High Court) Akalkot
	Court of the Sar Nyayadhish (District Court) Akalkot
	Court of the Nyayadhish at Akalkot
	Court of the Nyayadhish at I ilho
	Court of the Nyayadhish at K rla
	In the Surat Agency
	Court of the Administrator of Sachin
	Court of the Diwan of Sachin

SECOND SCHEDULE

Notification no 397 I B dated the 25th February 1910
Notification no 399 I B dated the 25th February 1910
Notification no 1363 I dated the 29th March 1889
Notification no 1364 I A dated the 29th March 1889
Notification no 1366 I dated the 29th March 1889
Notification no 1367 I dated the 29th March 1889
Notification no 1368 I dated the 29th March 1889
Notification no 2182 I dated the 2nd July 1890
Notification no 1051 I A dated the 18th September 1909
Notification no 790 I B dated the 9th April 1913
Notification no 519 I dated the 1st August 1929

No 323 I/I —In pursuance respectively of section 29 and of clause (*b*) in rule 26 of Order V in the First Schedule of the Code of Civil Procedure, 1908 (Act V of 1908) and in supersession of the notifications mentioned in the Second Schedule annexed hereto and of all notifications amending the same the Governor General in Council is pleased to declare —

(1) that the provisions of section 29 of the said Code shall apply to the courts specified in the First Schedule hereto annexed and

(2) that service by the said courts of any summons issued by a court in British India under the said Code shall be deemed to be valid service

FIRST SCHEDULE

Agency	State	Court
		In States in direct relations with the Government of India
1. BARODA ..	Baroda ..	All civil and revenue courts of the Baroda State.
2. CENTRAL INDIA.		*Civil Courts*
Indore ..	Indore ..	High Court of Judicature, Indore.
		District Court, Nimar, Mandlesar.
		First Grade Munsif's Court, Mandlesar.
		District Court, Rampura Bhanpura, Garoto.
		First Grade Munsif's Court, Garote.
		District Court, Mahidpur
		District Court, Nimawar, Kannod.
		District Court, Indore
		Nazim Adalat Court, Indore
		First Grade Munsif's Court, Khargone.
		First Grade Munsif's Court, Manasa
		Revenue Courts
		All revenue courts in the Indore State
		Civil and Revenue Courts
Bundelkhand .	Datia	Darbar Court, Datia
	Panna	Darbar Court, Panna.
	Charkhari	Darbar Court, Charkhari
	Ajaigarh .	Darbar Court, Ajaigarh.
	Bijawar	Darbar Court, Bijawar
	Chhatarpur .	Darbar Court, Chhatarpur
	Baoni ..	Darbar Court, Kadaura.

Agency	State	Court
2 CENTRAL INDIA —(contd)		*Civil Courts*
Bhopal	Bhopal	The High Court, Bhopal
		District Court Eastern and Southern, district Bhopal
		District Court, Bhopal City
		District Court, Western District, Bhopal
		Sub Judge, Bhopal City
		Sub-Judge, Garh
		Sub Judge, Bareli
		Sub Judge Goharganj
		Sub Judge, Dewanganj Bhopal
		Sub Judge, Berasia
		Sub Judge, Huzur, Bhopal
		Sub Judge Sehore
		Munsif Bhopal City
		Munsif, Begamganj
		Munsif, Bamhori
		Munsif, Udaipura
		Munsif, Nasrullaganj
		Munsif, Dewanganj, Bhopal
		Munsif Piklon
		Munsif, Huzur, Bhopal
		Munsif, Ashta.
	Rajgarh ..	*Judge s Court, Biaora*
	Narsinghgarh..	Civil Judge, Narsinggarh
	Khilchipur .	Court of Superintendent, Khilchipur
	Kurwai .	Court of Superintendent Kurwai.

Agency	State	Court
		Civil Courts—(concld)
2. CENTRAL INDIA —(*contd*) Bhopal—(*concld*)	Pathari ..	Court of Superintendent, Pathari
	Muhammadgarh	Court of Superintendent, Muhammadgarh
	Basoda .	Court of Nawab of Basoda [Haidergarh and Basoda (Basoda]
		Revenue Courts
	Bhopal .	Revenue Minister's Court, Bhopal
		Nazim of Eastern District, Raisen.
		Nazim of Western District, Ashta
		Nazim of Southern District, Kalakheri
	Rajgarh	Judge's Court, Biaora
	Narsinggarh	Revenue Officer, Narsinggarh
	Khilchipur .	Court of Superintendent, Khilchipur
	Kurwai	Court of Superintendent, Kurwai.
	Pathari	Court of Superintendent, Pathari.
	Muhammadgarh	Court of Superintendent, Muhammadgarh.
	Basoda	Court of Nawab of Basoda (Haidergarh), Basoda
		Civil Courts
Baghelkhand .	Rewa .	Court of the Judicial Commissioner, Rewa
		District and Sessions Judge, North Rewa, Rewa
		Deputy Magistrate and Munsif, Rewa, Rewa.
		Deputy Magistrate and Munsif, Raghurajnagar, Satna.
		Deputy Magistrate and Munsif, Teonthar, Teonthar

Agency	State	Court
2 CENTRAL INDIA —(contd) *Baghelkhand*—(contd)		*Civil Courts*—(concld)
	Rewa—(*concld*)	Deputy Magistrate and Munsif, Mauganj Mauganj
		District and Sessions Judge and Deputy Revenue Commissioner, East Rewa, Baghaun
		Deputy Magistrate and Munsif, Gopad Banas, Sidhi
		District and Sessions Judge and Deputy Revenue Commissioner, South Rewa, Umaria
		Deputy Magistrate and Munsif, Sohagpur, Burhar
	Baraundha	Court of the Dewan, Baraundha.
	Maihar	Court of the Dewan, Maihar
	Sohawal	Court of the Dewan, Sohawal
	Nagod	Court of the Dewan, Nagod
		Revenue Courts
	Rewa	Court of the Revenue Commissioner Rewa Deputy Revenue Commissioner, Rewa Tahsildar, Hazoor Tahsil, Rewa
		Tahsildar, Raghurajnagar, Satna,
		Tahsildar, Teonthar, Teonthar
		Tahsildar Sirmour, Sirmour
		Tahsildar, Mauganj Mauganj
		District and Sessions Judge, and Deputy Revenue Commissioner, East Rewa, Baghaun Tahsildar Gopad Banas Sidhi
		Tahsildar, Beohari, Beohari
		Tahsildar, Deosar, Deosar
		District and Sessions Judge and Deputy Revenue Commissioner, South Rewa Umaria Tahsildar Siro Bandhogarh, Umaria

Agency	State	Court
2 CENTRAL INDIA —(*contd*)		*Revenue Courts*—(concld)
Baghelkhand—(concld)	Rewa—(*concld*)	Tahsidar, Sohagpur, Sohagpur.
	Baraundha .	Court of the Dewan, Baraundha.
	Maihar	Court of the Diwan, Maihar
	Sohawal .	Court of the Dewan, Sohawal.
	Nagod	Court of the Dewan, Nagod.
		Civil Courts
Southern States and Malwa	Dhar	District Magistrate's Court, Dhar
	Barwani	Chief Judge's Court, Barwani
	Jhabua	Nazim's Court Jhabua.
	Ali Rajpur	Munsif's Court Ali Rajpur
	Jobat	*Court of the Kamdar Jobat*
	Dewas (Senior Branch)	Civil Judge's Court Dewas
	Dewas (Junior Branch)	District Court Dewas
	Jaora	Chief Judge's Court Jaora
	Ratlam	Judge's Court Ratlam
	Sitamau	Sar Nyayadhish Court Sitamau
	Sailana	Court of the Sar Nyayadhish of Sailana
		Revenue Courts
	Dhar	Chief Revenue Officer's Court, Dhar
	Barwani	Revenue Officer's Court Barwani
	Jhabua	Nazim's Court Jhabua
	Ali Rajpur	Munsif's Court Ali Rajpur
	Jobat	Court of the Kamdar, Jobat
	Dewas (Senior Branch)	Civil Judge's Court Dewas
	Dewas (Junior Branch)	District Court Dewas

Agency	State	Court
2 CENTRAL INDIA—*(concld.)* *Southern States and Malwa*—(concld.)		*Revenue Courts*—(concld.)
	Jaora ..	Chief Court of the Suba of Jaora.
	Ratlam .	Judge's Court, Ratlam
	Sitamau ..	Sar Nyayadhish Court, Sitamau
	Sailana ..	Court of the Sar Nyayadhish of Sailana
		Civil Courts
		District Gird, Gwalior
3 GWALIOR .	Gwalior .	High Court, Gwalior
		Prant Court, Gwalior
		District Court, Gird Gwalior
		Sub-Judge's Court, Lashkar
		Additional Sub Judge's Court, Lashkar
		Cantonment Magistrate's Court, Lashkar
		Cantonment Magistrate's Court, Morar
		Pargana Court, Gird Gwalior
		Pargana Court, Antri
		Pargana Court, Mastura
		Pargana Court, Bhander
		District Bhind
		District Court, Bhind
		Sub-Judge's Court, Bhind
		Pargana Court, Mehgaon
		Pargana Court, Lahar.
		Pargana Court, Gohad
		District Towarghar
		District Court, Towarghar (Morena)
		Pargana Court, Jora

Agency	State	Court
		Civil Courts—(contd.)
		District Tonwarghar—(concld.)
3 GWALIOR—(*contd.*)	Gwalior—(*contd.*)	Pargana Court, Noorabada (Morena)
		Pargana Court Sabalgarh
		Pargana Court, Ambah
		District Sheopur
		District Court, Sheopur
		Pargana Court Bijeypur
		District Esagarh
		Prant Court Esagarh (Goona)
		Pargana Court Mungaoli
		Pargana Court Bajrangarh (*Goona*)
		Pargana Court Pachhar
		Pargana Court Chanderi
		Pargana Court Kumbhraj (Chachaura)
		District Narwar
		District Court Narwar (Shivpuri).
		Sub Judge's Court Shivpuri
		Pargana Court Kolaras
		Pargana Court Pichhore
		Pargana Court Karera
		District Bhilsa
		District Court Bhilsa
		Sub Judge's Court Bhilsa
		Pargana Court Basoda
		District Ujjain
		Prant Court Malwa (Ujjain)
		Sub-Judge's Court Ujjain
		District Court Ujjain
		Pargana Court Ujjain

Agency	State	Court
3 GOWALIOR—(contd)	Gwalior—(contd)	*Civil Courts—(concld)*
		District Ujjain—(concld)
		Pargana Court, Khachrod
		Pargana Court, Parnagar
		Pargana Court, Sonkatch
		District Shajapur
		District Court, Shajapur
		Pargana Court, Shajapur
		Sub-Judge's Court, Agar
		Sub Judge's Court, Susner
		Sub Judge's Court, Shujalpur
		District Mandsaur
		District Court, Mandsaur
		Sub-Judge's Court, Neemuch
		Pargana Court, Mandsaur
		Pargana Court, Suvasara
		Pargana Court, Jewad
		Pargana Court, Gangapur.
		Pargana Court, Singoli
		District Amjhera
		District Court, Amjhera (Sardarpur)
		Pargana Court, Bakaner (Manawar)
		Revenue Courts
		District Gird, Gwalior
		Revenue Appeal Bench, Gwalior.
		Suba District Gird, Gwalior.
		Tahsildar, Gird, Gwalior
		Tahsildar, Pichhore (Gird)
		Tahsildar, Mastura, Ghatigaon.

Agency	State	Court
		Revenue Courts—(contd)
3 GWALIOR—(contd)	Gwalior—(contd)	*District Gird Gwalior*—(concld)
		Tahsildar Bhander
		District Bhind
		Suba District Bhind, Bhind
		Tahsildar Bhind
		Naib Tahsildar, Tappa Ater
		Tahsildar Mehgaon
		Tahsildar, Gohad
		Tahsildar Lahar
		District Tawarghar (Morena)
		Suba District Towarghar (Morena)
		Tahsildar Nurabad Morena
		Tahsildar Jora Jora Alapur
		Tahsildar Ambah
		Tahsildar Sabalgarh
		District Sheopur
		Suba District Sheopur
		Tahsildar Sheopur
		Tahsildar Bijeypur
		District Narwar (Shivpuri)
		Suba District Narwar (Shivpuri)
		Tahsildar Shivpuri
		Tahsildar Pichore (Narwar)
		Tahsildar Karera
		Tahsildar Kolaras
		District Isagarh (Guna)
		Suba District Isagarh, Guna.
		Tahsildar Bajrangarh, Guna.
		Tahsildar Pachar
		Tahsildar Mungaoli

Agency	State	Court
		Revenue Courts—(contd.)
3 GWALIOR—(contd.)	Gwalior—(contd.)	*District Isagarh Guna*—(concld.).
		Tahsildar, Kumbhraj, Chachorda.
		Naib Tahsildar, Tappa Isagarh.
		Naib Tahsildar, Tappa Chanderi
		Naib Tahsildar, Tappa Bamori, Fatehgarh
		District Bhilsa
		Suba, District Bhilsa
		Tahsildar, Bhilsa.
		Tahsildar, Basoda
		Naib Tahsildar, Tappa Samsh-abad
		Naib Tahsildar, Tappa Bhonrasa.
		District Ujjain
		Revenue Appeal Bench, Malwa, Ujjain
		Suba, District Ujjain
		Tahsildar, Ujjain
		Tahsildar, Khachrod
		Tahsildar, Badnagar.
		Tahsildar, Sonkach
		District Shajapur
		Suba, District Shajapur
		Tahsildar, Shajapur
		Tahsildar Shujalpur.
		Tahsildar, Agar
		Tahsildar, Susner
		Naib Tahsildar, Tappa Sundersi.
		Naib Tahsildar, Tappa Gulana
		Naib Tahsildar, Tappa Barodia.
		Naib Tahsildar, Tappa Barod

Agency	State	Court
		Revenue Courts—(contd)
3 GWALIOR—(concld)	Gwalior—(concld	*District Shajapur*—(concld)
		Naib Tahsildar, Tappa Kanad
		Naib Tahsildar, Tappa Nalkheda.
		Naib Tahsildar, Tappa Soyet
		District Mandsaur
		Suba, District Mandsaur
		Tahsildar Mandsaur
		Tahsildar, Suvasara
		Tahsildar, Neemuch
		Tahsildar Jawad
		Naib Tahsildar Tappa Gangapur.
		Naib Tahsildar Tappa Bhomsoda
		Naib Tahsildar, Tappa Singoli
		Suba District Amjhera, Sardarpur
		Tahsildar, Bakaner Manawar
		Naib Tahsildar Tappa Bagh
4 HYDERABAD	Hyderabad	All civil and revenue courts *
5 KASHMIR	Kashmir	All civil and revenue courts
6 MADRAS STATES	Travancore	High Court of Travancore
		District Court, Nagercoil
		District Court, Trivandrum
		District Court Quilon
		District Court Alleppey
		District Court, Kottayam
		District Court, Parur
		Munsif s Court Nagercoil

*Summonses for service in the Hyderabad State shall be forwarded to the City Civil Court and District Civil Courts only

Agency	State	Court
		Revenue Courts—(contd.)
6 MADRAS STATES—(contd.)	Travancore—(contd.)	Munsif's Court, Padmanabhapuram
		Munsif's Court, Neyyattinkara
		Munsif's Court, Trivandrum
		Munsif's Court, Attingal
		Munsif's Court, Quilon
		Munsif's Court, Kottarakara
		Munsif's Court, Krishnapuram
		Munsif's Court, Shencottah
		Munsif's Court, Haripad
		Munsif's Court, Thiruvalla
		Munsif's Court, Alleppey
		Munsif's Court, Shertallay
		Munsif's Court, Vaikom
		Munsif's Court, Kottayam
		Munsif's Court, Muvattupuzha
		Munsif's Court, Parur
		Munsif's Court, Devicolam
		Munsif's Court, Thodupuzha
		Munsif's Court, Changanacherry.
		Munsif's Court, Kanjirapally
		Munsif's Court, Kuzhithurai
		Munsif's Court, Perumbavur
		Munsif's Court, Karunagapally
		Munsif's Court, Mavelikara
		Munsif's Court, A[illegible]
		Munsif's Court, Chengannoor
		Munsif's Court, Meenachil

Agency	State	Court
		Revenue Courts—(contd.)
MADRAS STATES —(contd.)	Travancore—(concld.)	Munsif's Court, Nedumangad
	Cochin ..	Chief Court, Cochin
		District Court, Anjikaimal
		District Court, Trichur
		Munsif's Court, Cochin
		Munsif's Court, Ernakulam
		Munsif's Court, Irinjalakuda
		Munsif's Court, Trichur
		Munsif's Court, Vadakkancheri
		Munsif's Court, Chittur
		Munsif's Court, Cranganur
	Pudukkottai	Chief Court, Pudukkottai
		Court of Second Appeals, Pudukkottai
		Courts of the Small Cause Judge and of the Sub-Registrar of Tirumayam
		Courts of the Small Cause Judge and of the Sub-Registrar of Alangudi
		Courts of the Small Cause Judge and of the Sub-Registrar of Kolattur
		Courts of the Small Cause Judge and of the Sub-Registrar of Keelanilai
		Courts of the Small Cause Judge and of the Sub-Registrar of Viralimalai
		Courts of the Small Cause Judge and of the Sub-Registrar of Karambakudi
		Courts of the Small Cause Judge and of the Sub-Registrar of Ponnamaravati

	Agency	State	Court
			Revenue Courts—(contd.)
6	MADRAS STATES —*concld.*)	Pudukkottai— (*concld.*)	Courts of the Small Cause Judge and of the Sub Registrar of Annavasal
			Courts of the Small Cause Judge and of the Sub Registrar of Perungalur.
			Courts of the Small Cause Judge and of the Sub Registrar of Malayur
			Courts of the Registrar of Assurances, Pudukkottai
			Court of the Sub Registrar of Assurances, Keraiyur.
		Banganapalle	Sadar courts, Banganapalle
			Adalat Court, Banganapalle.
		Sandur ..	Dewan's Court, Sandur.
7	MYSORE	Mysore .	All civil and revenue courts of the Mysore State.
8	PUNJAB STATES	Patiala .	Minister of Law and Justice, Patiala.
			High Court, Patiala
			Revenue Minister, Patiala
			Revenue Commissioner, Patiala.
			Nazim Patiala, District Patiala.
			Nazim Anahadgarh District Headquarters, Barnala Nazim Karamgarh, District Headquarters Sunam Nazim Mohindergarh, District Headquarters Narnaul
			Nazim Bassi, District Headquarters Bassi.
			Naib Nazim Mal, Kohistan (Kandaghat)
			Naib Nazim Mal Barnala District.
			Naib Nazim Mal, Patiala District

Agency	State	Court
		Revenue Courts—(contd)
8 PUNJAB STATES —(contd)	Patiala —(concld)	Naib Nazim Mal Sunam District
		Tahsildar, Patiala
		Tahsildar, Rajpura.
		Tahsildar, Bhawanigarh.
		Tahsildar, Sunam
		Tahsildar, Narwana
		Tahsildar, Barnala.
		Tahsildar, Bhatinda
		Tahsildar, Mansa
		Tahsildar, Sirhind
		Tahsildar, Dhuri
		Tahsildar, Narnaul
		Tahsildar, Kandaghat
		Settlement Collector
	Bahawalpur	Chief Court, Bahawalpur
		District Judge, Bahawalpur
		District Judge, Khanpur (District Rahimyar Khan)
		District Judge, Minchinabad, District Khairpur
		Munsif Minchinabad
		Tahsildar, Minchinabad
		Tahsildar, Bahawalnagar
		Munsif, Bahawalnagar
		Nazim, Bahawalnagar
		Tahsildar, Khairpur
		Munsif Khairpur
		Special Judicial Officer Bahawalpur

Agency	State	Court.
		Revenue Courts—(contd)
8 PUNJAB STATES —(contd)	Bahawalpur— (concld)	Munsif, Bahawalpur.
		Nazim, Bahawalpur.
		Tahsildar, Bahawalpur.
		Munsif, Ahmadpur East.
		Tahsildar, Ahmedpur East.
		Munsif, Allahabad.
		Tahsildar, Allahabad.
		Munsif, Khanpur.
		Tahsildar, Khanpur.
		Nazim, Rahimyar Khan.
		Munsif, Rahimyar Khan.
		Tahsildar, Rahimyar Khan.
		Munsif, Ahmadpur Lama.
		Tahsildar, Ahmadpur Lama.
		Civil Courts
	Jind ..	High Court.
		Nazim and Sessions Judge, Sangrur.
		Nazim and Sessions Judge, Jind.
		Naib Nazim, Sangrur.
		Naib Nazim, Jind.
		Naib Nazim, Charkhi Dadri.
		Tahsildar, Sangrur.
		Tahsildar, Jind.
		Thasildar, Charkhi Dadri.
		Tahsildar, Safidan
		Bench of Honorary Magistrates, Sangrur.

Agency	State	Court
		Civil Courts—(concld)
8 PUNJAB STATES —(contd)	Jind—(concld)	Bench of Honorary Magistrates Dyalpura
		Bench of Honorary Magistrates Charkhi Dadri
		Bench of Honorary Magistrates, Bond Kalan
		Revenue Courts
		Revenue Minister
		Nazim and Sessions Judge Sangrur
		Nazim and Sessions Judge Jind
		Land Revenue Officer
		Naib Nazim Sangrur
		Naib Nazim Jind
		Naib Nazim Charkhi Dadri
		Nazim Anhar Sangrur
		Naib Nazim Nahar Sangrur
		Naib Nazim Nahar Jind
		Tahsildar Sangrur
		Tahsildar Jind
		Tahsildar Safidon
		Tahsildar Charkhi Dadri
	Nabha	Chief Judicial Officer's Court Nabha
		Nazim Amloh District Amloh
		Nazim of Phul District Phul
		Nazim of Bawal District Bawal
		Revenue Officer's Court Nabha
		Nazim Nahar's Court Nabha
	Kapurthala	Sadr
		Judicial Secretary

Agency	State	Court
		Revenue Courts—(concld)
8 PUNJAB STATES —(contd)	Kapurthala—(concld)	Chief Court.
		Nazim (for subordinate courts also)
		Magistrate, Kapurthala
		Honorary Magistrate, Kapurthala.
		Magistrate, Phagwara
		Honorary Magistrates, Phagwara,
		Magistrate, Sultanpur.
		Honorary Magistrate, Sultanpur
		Magistrate, Dhilwan
		Honorary Magistrate, Dhilwan
		Tahsildar, Bhunga
		Civil Courts
	Mandi ..	Chief Court
		District Judge
		Treasury Officer as Sub-Judge, 1st Class
		Treasury Officer as Magistrate, 1st Class
		Sub-Judge, 2nd Class
		Munsif
		Tahsil Sadar Tahsildar
		Tahsil Sarkaghat Tahsildar
		Tahsil Chachiot Tahsildar
		Tahsil Harabagh Tahsildar
		Naib Tahsildar, Harabagh
		Civil Judge, Jogindar Nagar.
		Revenue Courts
		Chief Minister's Court
		Chief Revenue Officer

Agency	State	Court
		Revenue Courts—(concld)
9 PUNJAB STATES —(contd)	Mandi—(concld)	Tahsildar, Sadr
		Tahsildar, Sarkaghat
		Tahsildar, Chachiot
		Tahsildar, Harabagh
		Naib Tahsildar, Harabagh
	Sirmur	Ijlas Khas
		District and Sessions Judge
		Collector and District Magistrate
		Magistrate, 1st class
		Tahsildar, Rainka
		Tahsildar, Pachhad
		Tahsildar, Paunta
		Tahsildar, Nahan
	Bilaspur	The Council of Administration
		The Revenue and Judicial Member
		The Magistrate
		The Tahsildar Sadar Bilaspur
		The Tahsildar, Ghumarvin
		Civil Courts
	Maler Kotla	High Court
		Adalat (District and Sessions Judge's Court)
		Sub Judge's Court
		Munsif's Court
		Revenue Courts
		Collector's Court
		Tahsildar Sadar's Court
		Tahsildar, Ahmadgarh's Court
		Tahsildar Fatehgarh's Court

Agency	State	Court
		Civil Courts
3 PUNJAB STATES —(*contd.*)	Faridkot	President, Council of Administration
		Judicial Member, Council of Administration
		Senior Sub Judge
		Junior Sub Judge
		Revenue Courts
		President, Council of Administration
		Revenue Member, Council of Administration
		Tahsildar
		Naib Tahsildar, Faridkot
		Naib Tahsildar, Kot Kapura
	Chamba	Court of H. H. the Raja Chamba.
		Court of the Chief Judicial Officer, Chamba
		Court of State Vakil [illegible]
		Court of the Sub Judge no. 1, Chamba
		Court of the Sub-Judge no. 2, Chamba
		Court of the Sub-Judge no. 3, Chamba
		Court of the Sub-Judge no. 4, Chamba
	Suket	Chief Court
		District and Sessions Judge's Court
		Sub Judge, Suket State, Sundarnagar
		Tahsildar Balh Sundarnagar
		Civil Courts
	Loharu	Court of the Council of Regency
		Court of Nazim

Agency	State	Court
		Revenue Courts
8. PUNJAB STATES (*concld.*)	Loharu—(*concld.*)	Court of the Council of Regency.
		Court of Finance Member.
		Court of Tahsil
9. RAJPUTANA		
Eastern Rajputana States Agency	Alwar	All civil and Revenue courts of the States in Rajputana specified in the second column
	Bharatpur.	
	Dholpur.	
	Karauli	
	Kotha	
Haraoti and Tonk Agency.	Bundi	
	Jhalawar	
	Shahpura.	
	Ton	
Jaipur Residency	Jaipur.	
	Kishangarh	
Mewar Residency	Mewar	
Southern Rajputana States Agency	Banswara	
	Dungarpur	
	Partabgarh	
Rajputana Agency	Bikaner	
	Sirohi	
Western Rajputana States Residency	Jaisalmir	
	Jodhpur	
10. SIKKI	Sikkim	The Chief Court of Sikkim in the exercise of its civil jurisdiction.
11. WESTERN INDIA STATES AGENCY.	Bhavnagar	Darbar Hazur Court, Bhavnagar.
		Sar Nyayadhish Court, Bhavnagar
		Joint Sar Nyayadhish Court, Bhavnagar

Agency	State	Court
		Revenue Courts—(contd)
11 WESTERN INDIA STATES AGENCY—(*contd*)	Bhavnagar—(*concld*)	City Bhavnagar Diwani Nyayadhish Court, Bhavnagar
		City Bhavnagar Fouzdari Nyayadhish Court, Bhavnagar
		*City Bhavnagar Honorary Magis*trates' Bench Court, Bhavnagar
		Mahuva Nyayadhish Court, Mahuva
		Kundla Nyayadhish Court, Kundla
		Talaja Nyayadhish Court, Talaja.
		Lilia Nyayadhish Court, Lilia
		Sihor Nyayadhish Court, Sihor
		Umrala Nyayadhish Court, Umrala
		Gadhada Nyayadhish Court, Gadhada
		Botad Nayadhish Court, Botad.
	Cutch	Huzur Court
		Varisht Jadchja Court
		Varisht Khalsa Court
		Bhuj Court.
		Mandvi Court
		Mundra Court
		Anjar Court
		Bhachau Court.
		Rahpar Court
		Nekhtrana Court.
		Abdasa Court
		Lakhpat Court.
		Khavda Court.
		Khadir Court.

Agency	State	Court
		Revenue Courts—(contd)
11 WESTERN INDIA STATES AGENCY—(*contd*)	Cutch—(*concld*)	Jakhau Court
		Madh Court
		Court of Small Causes at Bhuj
		Court of Small Causes at Mandvi
		Court of Small Causes at Mundra
		Court of Small Causes at Anjar
		Court of Small Causes at Bhachau.
		Court of Small Causes at Rahpar
	Dhrangadhra	Huzur Judicial Court, Dhrangadhra
		Sar Nyayadhish Court, Dhrangadhra
		First Class Sub Judge's Court, Dhrangadhra
		Second Class Sub Judge's Court, Dhrangadhra
		Nyayadhish Court, Halvad
		Nyayadhish Court, Raj Sitapur
	Dhrol	Nyayadhish Court, Dhrol
	Gondal	Huzur Court, Gondal
		Sar Nyayadhish Court, Gondal
		Munsif Court, Gondal
		Munsif Court, Dhoraji
		Munsif Court, Upleta
		Diwani Nyayadhish Court, Sarsai
	Jafrabad	Court of Mamlatdar and Sub-Judge Jafrabad
		Court of Madanis Kamgar of Sub-Judge, Jafrabad
	Junagadh	Huzur Court, Junagadh

Agency	State	Court
		Revenue Courts—(contd)
11 WESTERN INDIA STATES AGENCY—(contd)	Junagadh—(concld)	Sadar Court Junagadh
		Civil Court Junagadh
		City Magistrate s Court Junagadh
		Nageshri Court Junagadh
		Una Court Una
		Veraval Court Veraval
		Malia Court Malia
		Sl l Court Sl il
		Kutiyana Court Kutiyana
		Vanthali Court Vanthali
		Bhesan Court Bl esan
		Visava lar Court Visava lar
		Talala Court Talala
		Huzur Court (Mangrol under Junagadh State)
		Nayaya lhish Court (Mangrol under Junagadh State)
		The Small Causes Court (Mangrol under Junagadh)
		District Judge Court (Mangrol under Junagadh State)
	Limbdi*	Huzur Court, Limbdi
		Court of Small Causes Limbdi
		Sar Nyayadhish Court Limbdi
		Munsif Court Limbdi
	Morvi	Huzur Court Morvi
		Sar Nyaya lhish Court Morvi
		First Class Magistrate s Court Morvi

*All [illegible] for the courts of this State are to be addressed to the Huzur Court Limbdi

Agency	State	Court
		Revenue Courts—(contd)
II —WESTERN INDIA STATES AGENCY—(contd)	Morvi—(concld)	Diwani Nyayadhish Court Morvi
		Small Causes Court Morvi
	Navanagar	Navanagar Huzur Court Jamnagar
		Nawanagar Sar Nyayadhish and Sessions Court, Jamnagar
		Nawanagar Small Causes Court Jamnagar
		Nawanagar Nyayadhish Court, Jamnagar
		Nawanagar City First Class Magistrate Court Jamnagar
		Khambhalia Munsif and First Class Magistrate Court Khambhalia
		Kalyanpur Munsif and First Class Magistrate Court Kalyanpur
		Bhanvad Munsif and First Class Magistrate Court Bhanvad
		Lalpur Munsif and First Class Magistrate Court Lalpur
		Jodiya Munsif and First Class Magistrate Court Jodiya
		Kandorna Munsif and First Class Magistrate Court Kandorna
		Kalvad Munsif Court Kalvad
		Atkot Munsif Court Atkot
	Palanpur	Huzur Court
		Appellate Court
		Sar Nyayadhish Court
		Dewan s Court
		Small Causes Court
		Deesa Tahsildar s Diwani Court

Agency	State	Court
		Revenue Courts—(contd)
11 —WESTERN INDIA STATES AGENCY—(contd)	Pallanpur—(concld)	Dhanera Tahsildar's Divani Court
		Panthawada Tahsildar's Diwani Court
		Gadh Thanadar's Diwani Court
		Metya Tahsildar's Diwani Court
		Chitroda Tahsildar's Diwani Court
		Dhabhela Tahsildar's Diwani Court
		Bapla Kamdar's Diwani Court
	Palitana	Sar Nyayadhish Court, Palitana
		Nyayadhish Court, Palitana
	Porbandar	Huzur Court, Porbandar
		Sar Nyayadhish Court, Porbandar.
		Nyayadhish, Porbandar
		Munsiff Court, Ranavav
		Munsiff Court, Navibandar
	Radhanpur	Court of the Sar Nyayadhish
		Court of Radhanpur Munsiff
		Court of the Sami Munjpur Munsiff
	Rajkot*	Huzur Court, Rajkot
		Revenue Karbhari's Court, Rajkot.
		Sar Nyaya lhish Court, Rajkot
		Nyayadhish Court, Rajkot
		Second Nyayadhish Court, Rajkot.
		Sardhar Thana Court, Sardhar
		Kuvadva Thana Court, Kuvadva
	Wadhwan	Sar Nyayadhish Court, Wadhwan
		Nyayadhish Court, Wadhwan

* All summonses for the courts of this State are to be addressed to the Huzur Court, Rajkot.

Agency	State	Court
		Revenue Courts—(contd)
II —WESTERN INDIA STATES AGENCY—(*contd*)	Wankaner	Huzur Court, Wankaner, Wankaner
		Sar Nyayadhish Court, Wankaner.
		Nyayadhish Court, Wankaner
Banas Kantha Agency	Tharad	Huzur Court
		Sar Nyayadhish Court
		Morwada Tahsildar's Court
		Bhorole Talukdar's Court
	Wao	Huzur Court
		Court of the Karbhari
		Court of Sar Nyayadhish
		Court of the Nyayadhish
		Dhima Talukdar s Court
	State of Malek Jorawarkhanji of Warahi	Huzur Court
		Karbhari's Court
		Nyayadhish Court
	Deodar	Azam Waghela Himat Singji's Court
		Azam Khan ji's Court
	Thara	Court of the Thara Judicial Kamdar
	Warahi	Malek Mundkhanji s Court
	Terwada	Court of the Terwada Judicial Kamdar
Eastern Kathiawar Agency	Bajana	Huzur Office, Bajana
		First Class Magistrate s Office, Bajana
	Chuda	Huzur Court, Chuda
		Nyayadhish Court, Chuda
	Lakhtar	Judicial Karbhari s Court Lakhtar

Agency	State	Court
II.—WESTERN INDIA STATES AGENCY—(*contd*)		*Revenue Courts*—(concld)
Eastern Kathiawar Agency—(concld)	Lakhtar	Nyayadhish Court, Lakhtar
		Nyayadhish Court, Than
	Lathi	Huzur Court, Lathi
		Nyayadhish Court, Lathi
	Muli	Huzur Court, Muli
		Nyayadhish Court, Muli
	Patdi	Huzur Court, Patdi
		Bhayati Court, Patdi
		Sar Nyayadhish Court, Patdi
		Nyayadhish Court, Patdi
	Sayla	Huzur Court, Sayla
		Nyayadhish Court, Sayla
		Sara Thanadar's Court, Sayla
	Vala	Huzur Court, Vala
		Court of Sar Nyayadhish, Vala
		Nyayadhish Court, Vala
Western Kathiawar Agency	Jetpur Bilkha Durbar Sri Rawat Vala	Huzur Court, Bilkha
		Kanthadwala Nyayadhish Court, Bilkha
	Jetpur Pithadia Durbar, Sri Mulu Vala of—	Huzur Court, Pithadia
		Nyayadhish Court, Pithadia
	Jetpur (Thana Devli)	Huzur Court, Thana Devli Taluka
		Nyayadhish Court, Thana Devli Taluka
	Jasdan .	Huzur Court, Jasdan
		Sar Nyayadhish Court, Jasdan
		Nyayadhish and First Class Magistrate's Court, Jasdan

Agency	State	Court
11. WESTERN INDIA STATES AGENCY—(concld). *Western Kathiawar Agency*—(concld)	Kotda Sanghani	Huzur Court, Kotda Sanghani
		Karbhari Court, Kotda Sanghani
		Nyayadhish Court, Kotda Sanghani
	Malia	Huzur Court, Malia
		Nyayadhish Court, Malia
	Manavadar	Huzur Court, Manavadar
		Sar Nyayadhish Court, Manavadar.
		Nyayadhish Court, Manavadar
	Vadia	Huzur Court Vadia
		Sar Nyayadhish Court, Vadia
	Virpur	Huzur Court, Virpur
		Sar Nyayadhish Court, Virpur
		Thanadar's Court, Kharedi
	In States in direct	*relations with Local Governments*
12.—GOVERNMENT OF BIHAR AND ORISSA	Athgarh	All Civil and Revenue Courts of the States in political relations with the Government of Bihar and Orissa specified in the second column
	Athmalik	
	Bamra	
	Baramba	
	Baud	
	Bonai	
	Daspalla	
	Dhenkanal	
	Gangpur	
	Hindol	
	Kalahandi	
	Keonjhar	
	Khandpara	
	Kharsawan	
	Mayurbhanj.	

Agency	State	Court
13 GOVERNMENT OF BOMBAY—(*contd*) *Rewa Kantha Agency*—(concld)	Baria—(*concld*)	Court of the Sar Nyayadhish
		Court of the Nyayadhish
	Lunawada	Huzur Court
		Court of the Nyayadhish
	Balasinor	Huzur Court
		Court of the Nyayadhish
	Sant	Huzur Court
		Court of the Nyayadhish
	Jambughoda	Court of the Thakor
		Court of the Karbhari
Kolhapur Residency and Southern Mahratta Country States Agency	Kolhapur	Court of His Highness the Maharaja of Kolhapur
		Combined Court of the Resident Kolhapur and Political Agent, Southern Mahratta Country States, and His Highness the Maharaja of Kolhapur
		Court of the Chief Judge, Kolhapur
		Court of the First Class Subordinate Judge *Kolhapur*
		Court of the Second Class Subordinate Judge Sirol
		Court of the First Class Subordinate Judge, Gadhinglaj
		Court of the Second Class Subordinate Judge Karvir
		Court of the Second Class Subordinate Judge, Radhanagri
		Court of the Second Class Subordinate Judge Panhala
		Court of the Munsif of Katkol
		Court of the Jaghirdar of Kagal (Junior)

Agency	State	Court
13—GOVERNMENT OF BOMBAY—(contd) *Kolhapur Residency and Southern Mahratta Country States*—(contd)	Kolhapur—(concld)	Court of the Munsiff of Kagal (Junior)
		Court of the Jaghirdar of Bavda
		Court of the Munsiff of Bavda
		Court of the Jaghirdar of Ichalkaranji
		Court of the Munsiff of Ichalkaranji
		Court of the Munsiff of Ajra.
		Court of the Jagirdar of Vishalgad.
		Court of the Munsiff of Vishalgad
		Court of the Jagirdar of Kagal (Senior)
		Court of the Munsiff of Kagal (Senior)
		Court of the Himat Bahadur, Kolhapur
		Court of the Munsiff of the Himat Bahadur, Jaghir
		Court of the Munsiff of Kapshi
		Court of the Munsiff of Sarlashkar Jaghir
		Court of the District Judge, Kolhapur
		Court of the Wahiwatdar of the Sub Saranjam of Mhysal
	Mudhol	Huzur Court
		Court of the First Class Subordinate Judge
		Court of the Second Class Subordinate Judge
	Sangli	Huzur Court
		Court of the Nyayadhish.
		Court of the Munsiff of Miraj Prant

Agency	State	Court
13 —GOVERNMENT OF BOMBAY—(*contd*)		
Kolhapur Residency and Southern Mahratta Country States—(contd).		Court of the Munsiff of Mangalveda, Kuchi and Terdal of Northern Division.
		Court of the Shahpur and Shrihatti or Southern Division.
	Miraj (Senior)	Court of the Nyayadhish of Miraj.
		Court of the Munsiff of Lakshmeshvar
		Court of the Munsiff of Modnimb.
	Miraj (Junior)	Huzur Court.
		Court of the District Judge
		Court of the Munsiff of Gudgeri
		Court of the Munsiff, Budhgaon.
		Court of the Munsiff, Khandali.
	Jamkhandi	Huzur of the Chief's Court.
		Court of the State Karbhari.
		Court of the Daftardar.
		Court of the Nyayadhish of Jamkhandi
		Court of the Munsiff of Kundgol
		Court of the Wahiwatdar of Wathar
		Court of the Wahiwatdar of Pathkal
	Kurunwad (Senior)	Chief's Court
		Sar Nyayadhish or the State Karbhari's Court
		Court of the Nyayadhish of Kurunwad and Angol Court of the Munsiff of Tikota.
	Ramdurg .	Court of the Chief

Agency	State	Court
13 GOVERNMENT OF BOMBAY—(*contd*) *Kolhapur Residency and Southern Mahratta Country States*—(concld)		Court of the District Judge
		Court of the First Class Subordinate Judge
		Court of the Second Class Subordinate Judge
	Kurunwad (Junior)	Hazur Court
		Court of the Nyayadhish
		Court of the Munsif, Yellus
		Court of the Munsif, Maindargi
Belgaum Agency	Savantwadi	Hazur Court, Savantwadi
		Court of the Minister of Justice and Finance, Savantwadi
		Court of the Chief Judge Savantwadi
		Court of the Nyayadhish of Savantwadi
		Court of the Munsif of Kudal
Bijapur	Jath	Hazur Court of the Chief District Judge
		Court of the First Class Subordinate Judge
		Court of the Second Class Subordinate Judge
Dharwar	Savanur	Court of the Diwan
		Court of the First Class Subordinate Judge
Khaira	Cambay	Nyayadhish Court
		Sar Nyayadhish Court
Kolaba	Janjira	Court of the Sar Nyayadhish of Janjira
		Court of the Munsif of Janjira
		Court of the (Madatnis Kamgar at Jafrabad in Kathiawar)
		Court of the (Mamalatdar at Jafrabad in Kathiawar)

Agency	State	Court
13.—GOVERNMENT OF BOMBAY—(contd)		
Nasik	Surgana	Court of the Deshmukh
Poona	Bhor	Court of the Diwan
Satara	Aundh	Hazur Court, Aundh
		Court of the District Judge, Aundh
		Court of the Subordinate Judge Aundh
		Court of the Subordinate Judge, Kapli
		Court of the Subordinate Judge Atpar
		Court of the Subordinate Judge, Kundal
	Phaltan	Hazur Court
		Court of the District Judge
		Court of the First Class Subordinate Judge
Sholapur	Akalkot	High Court of the Regent in Council, Akalkot
		Court of the Sar Nyayadhish, Akalkot
		Court of the Nyayadhish of Akalkot
		Court of the Nyayadhish at Pallo
		Court of the Nyayadhish at Kurla.
Sukkur	Khairpur	Court of His Highness the Mir of Khairpur
		Court of the Wazir of His Highness the Mir of Khairpur Court of the Mukhtyarkhars of Khairpur, Gambat, Mirwah Nara, and the Nazam Adalat Court of the Head Munshis of Khairpur, Gambat Mirwah, and Nara.
		Additional District Court, Khairpur Division

Agency	State	Court
3 GOVERNMENT OF BOMBAY—(contd) *Sukkur*—(concld)		Additional District Court Mirwah Division
		Court of the Mukhtyakhar and Subordinate Court, Taluka Faiz Ganj
		Court of the Special Subordinate Judge, Khairpur
		Court of the Resident and Sub ordinate Magistrate Khairpur
		Court of the Special Judge and Resident Magistrate Gambat
Surat	Sachin	Court of the Diwan of Sachin
		Court of the Judicial Commissioner of Sachin
	Dharampur	Court of the Diwan
		Court of the Nyayadhish
	Bansda	Court of the Diwan
Thana	Jawahar	Court of the Sar Nyayadhish
		Court of the Nyayadhish
14—GOVERNMENT OF THE CENTRAL PROVINCES	Bastar	All civil and revenue courts of the States in political relations with the Government of the Central Provinces specified in the second column.
	Kanker	
	Nandgaon	
	Khairgarh	
	Kawardha	
	Raigarh	
	Sarangarh	
	Udaipur	
	Jashpur	
	Surguja	

Agency	State	Court
14.—GOVERNMENT OF THE CENTRAL PROVINCES—(concld.)	Korea	
	Changbhukhar	
	Makrai	
	Chhuikhadam	
	Sakti	
15.—GOVERNMENT OF THE UNITED PROVINCES	Benares	Chief Court, Ramnagar
		District Judge's Court, Gyanpur
		Collector's Court, Gyanpur
		Collector's Court, Chakia
		Collector's Court, Ramnagar
		Civil Judge's Court, Chakia
		Civil Judge's Court, Ramnagar
		Deputy Collector's Court, Gyanpur.
		Assistant Collector's Court, tahsil East Gyanpur
		Assistant Collector's Court, tahsil West Gyanpur.
		Assistant Collector's Court, Chakia
		Assistant Collector's Court, Ramnagar.
	Rampur	Ajlas i Humayun
		Adalat ul Alia Appeal.
		Court of the District Judge
		Court of the Council of Khardan.
		Court of the Mufti Diwani
		Court of Small Causes.
		Court of the Munsiff, Hazur Tahsil
		Court of the Munsif, Shahabad
		Court of the Munsif, Milak.

Agency	State	Court
15.—GOVERNMENT OF THE UNITED PROVINCES—(concld.)	Rampur—(concld.)	Court of the Munsiff, Bilaspur.
		Court of the Munsiff, Suar
		Court of the Munsiff, Tanda
		Court of the Munsiff, Noabadi
		Court of the Revenue Secretary
		Court of Nazim
		Court of the Assistant Collector, 1st class (Settlement Officer)
		Court of the Assistant Collector (Tahsildar, Hazur Tahsil)
		Court of the Assistant Collector (Tahsildar, Shahabad)
		Court of the Assistant Collector (Tahsildar, Milak)
		Court of the Assistant Collector (Tahsildar Bilaspur)
		Court of the Assistant Collector (Tahsildar Suar)
		Court of the Assistant Collector (Tahsildar Tanda)
		Court of the Assistant Collector (Tahsildar, Noabadi)
	Tehri	All civil courts of the Tehri State

SECOND SCHEDULE

Notification no 232 I J dated the 25th November, 1881
Notification no 1990 I, dated the 20th June, 1895
Notification no 752 I B, dated the 17th March, 1899
Notification no 3095 I A, dated the 16th August, 1901
Notification no 4229 I A, dated the 16th November, 1901
Notification no 2806 I B, dated the 10th July, 1909
Notification no 1668 I B, dated the 10th August, 1909
Notification no 2302 I B, dated the 29th November, 1910
Notification no 2303-I B, dated the 29th November, 1910
Notification no 1340 I B dated the 30th June, 1911
Notification no 1344 I B, dated the 30th June 1911.
Notification no 1345 I B, dated the 30th June 1911.

Notification no 663 I B dated the 15th March 1912
Notification no 1037 I B dated the 9th May 1912
Notification no 2621 I B dated the 24th December 1912
Notification no 929 I B dated the 23rd April 1913
Notification no 835 D, dated the 12th February 1915
Notification no 2235 I B, dated the 28th September, 1915
Notification no 246 D, dated the 25th November 1915
Notification no 3978 I B dated the 28th August 1919
Notification no 2856 I B dated the 26th August 1920
Notification no 332 I dated the 23rd June 1924
Notification no 476 I dated the 3rd October 1924
Notification no 591 I dated the 2nd November 1925
Notification no 205 I dated the 21st May 1928

Instructions for the execution and legalization of processes in foreign countries

Government of India Home Department (Judicial) Notification no F 502/36 dated the 20th August 1936

18 In pursuance of Order V, rule 26(b) of the Code of Civil Procedure, 1908, the Governor General in council has been pleased to declare that the service of any summonses issued by a Court in British India under the said Code by the Civil Courts in France Spain Belgium Russia, Portugal Sweden, Japan, Straits Settlements Nepal Persia Federated Malaya States Union of South Africa and Ceylon and by the Egyptian Mixed Courts shall be deemed to be valid service

19 The following foreign Courts may issue summonses for service to Courts in British India as the Governor General in Council has by notifications in the *Gazette of India* declared the provisions of section 29 of the Civil Procedure Code applicable to such Courts

*B R form no 111

Serial number	Name of country	Class of courts	Notification
1	France	Civil Courts in France	No 852C (Home Department) dated the 3rd February, 1913, as amended by no 1479, dated the 29th October, 1915
2	Spain	Civil Courts in Spain	
3	Belgium	Civil Courts in Belgium	
4	Russia	Civil Courts in Russia	
5	Portugal	Civil Courts in Portugal	
6	Egypt	The Egyptian mixed Courts	No 369 (H J), dated *the 31st May, 1918*
7	Ceylon	Courts in Ceylon	No 247, dated the 16th February, 1909
8	Straits Settlement	Courts in Straits Settlement	No 244, dated the 16th February, 1909
9	Japan	Civil Courts in Japan	No 1924 (H J), dated the 25th November, 1920
10	Sweden	Civil Courts in Sweden	No F 12/17—35, Home (Judicial), dated the 20th January, 1936
11	Persia	Civil Courts in Persia	No F 840/25, Home Department (Judicial), dated the 3rd May, 1928
12	Nepal	Civil Courts in Nepal	No F 576/24, Home Department (Judicial), dated the 15th August, 1925
13	Federated Malay States	Civil Courts in the Federated Malay States	United Provinces Government notification no 1388/VII—139 1937, dated the 23rd June, 1938, (Judicial Civil Department)
14	Union of South Africa	Civil Courts in the Union of South Africa	United Provinces Government notification no 1415(I)/VII—433 193, *dated the 13th July*, 1938 (Judicial Civil Department)

20 All legal processes intended for foreign countries shall be submitted to the Government of India in the External Affairs Department through the Provincial Government for transmission to the country concerned and the names and addresses of individuals upon whom the service of summonses is desired should also be stated in the forwarding letter

21 In the case of countries which are not governed by a Civil Procedure Convention to which India has acceded the *examination of witnesses may be obtained by issuing a* Letter of Request to the competent judicial authorities from which the evidence is required or by the issue of a Commission to take evidence to the British Consular Officer in the foreign country concerned British Consular Officers are authorized to take evidence for use in British Courts in the following countries apart from those governed by Special Civil Procedure Convention

Argentine Republic
Bolivia
Brazil
Bulgaria
Chile
Columbia
Costa Rica
Cuba
Czechoslovakia
Denmark
Danzig
Ecuador
Estonia
Finland
France
Greece
Guatemala
Honduras
Hungary*
Italy (exept Trieste)
Lithuania
Mexico
Netherlands
Nicaragua
Peru
Poland
Portugal
Salvador
Spain
Sweden
United States
Uruguay
Venezuela
Yugoslavia*

Where it is desired to appoint a British Consular Officer as Commissioner to take evidence the preliminary consent of the Secretary of State for Foreign Affairs should invariably be obtained except in cases covered by a Civil Procedure Convention to which the Government of India is a party

*From British subjects only

In the case of countries not included in the above list and which are not governed by a Special Civil Procedure Convention to which the Government of India is a party execution of legal processes may be obtained by addressing Letters of Request to the competent judicial authority in the foreign country concerned and such letters will be forwarded by the Government of India through the usual diplomatic channel

22 A British Consular Officer appointed to execute a Commission has no power to compel the attendance of witnesses and hence the clause Process to compel the attendance of the witness will be issued by any Court having jurisdiction on your application should be omitted from Form no 7 in Appendix H to the Civil Procedure Code when issuing Commissions to British Consular Officers

23 Every Letter of Request issued to a foreign country shall be accompanied by a complete list of all documents forwarded as also by a full translation of a Letter of Request itself and of accompanying interrogatories and also of all vernacular documents

G O No 56 A/I dated the 28th May 1938

23A The courts in British India should supply translations of all the documents in the language of the country where they are to be executed or to be served If in any case such a translation cannot be supplied by the court as required under Civil Rules and Orders an English translation should invariably be supplied by the court with the specific request that the India Office may be asked to get this translated into the language of the country concerned In cases where it is desired that action should be taken by one of His Majesty s Consular Officers the request or commission should be addressed to the appropriate Consular Officer in English and the documents should be accompanied by an English translation and in addition where the person on whom service is desired or whose evidence is to be taken is not a British subject by a translation into the language of the country concerned In cases where it is not possible to supply a translation into the language of the country concerned the papers should be forwarded with a specific request that the India Office may be asked to get them translated before transmission to the authority concerned In all these cases the documents and translations should be sent in duplicate

24 Letters of Request and accompanying document issued to a foreign country should be sewn together in a

parchment paper cover down the left hand side, the ends of the silk tape or thread with which they are sewn being brought out on to the front cover and the ends sealed down with a Government seal

25 Where Letters of Request are employed such letters should always set forth the following

(a) The names of the parties to the proceeding, with an indication of the nature of the action in which the evidence is required

(b) The names addresses and descriptions of the witnesses whose evidence is desired

(c) Either (i) the exact interrogatories which it is desired to put to the witnesses or the document etc whose production is desired or (ii) a clear and concise explanation of the exact points on which it is desired that the witnesses should be examined or (iii) a request that notice should be given to the representative of the parties to the action of the time when and of the place where the evidence is to be taken and that the representatives of the parties should be allowed to put such questions to the witnesses as they may desire

26 Where Letters of Request are employed foreign Courts should not be asked to name and appoint Experts to give evidence or to themselves collect evidence

27 Foreign Courts will not usually charge any fees for their services in executing Letters of Request but they are entitled to repayment of any expenses actually incurred in obtaining evidence for Indian courts Before the issue of such processes revenue courts will first require the deposit of a sufficient sum to cover any expenses likely to be incurred in executing such legal processes in foreign countries

Japan

28 Reciprocal arrangements have been made between India and Japan for the service of writs and other legal processes and for the execution of Letters of Request

(a) Processes and Letters of Request intended for service and execution in Japan should be forwarded to the Board of Revenue for submission to the Government of India through the Provincial Government The Government will then forward them to His Britannic Majesty's Ambassador at Tokio In the case of Letters of Request directed to a Japanese

Court the note to Form no 8 in Appendix H to the Schedule I of the Civil Procedure Code should therefore be amended by substitution of the Ambassador" for His Majesty s Secretary of State for Foreign Affairs "

(b) Litigants should, in each case be required to furnish a translation of all documents in Japanese while translations in English must also accompany writs and all other papers

(c) The Government of India have guaranteed to meet the cost involved by the service of writs in Japan and for the pre sent *it would be sufficient to levy the ordinary process fees*, though it may be necessary hereafter to require payment of a special process fee

For Letters of Request adequate sums to cover expenses should be recovered from the parties and deposited in the Treasury before the Letter of Request is forwarded to the Board of Revenue and an *intimation of such amount should* also be given in the forwarding letter

(d) The request to take evidence shall be made in writing stating the names of the parties to the litigation the manner in which the evidence is to be taken, the name, nationality and domicile or residence of the person to be examined together with his complete postal address as also a clear state ment of the matters to be investigated

(e) Legal processes intended for Japan shall be addressed to the following Japanese Courts as shown in the undernoted schedule:

Domicile of witness to be examined	Courts to which application is to be made
Tokio	Tokio kusaiban ho
Osaka	Osaka kusaibansho
Yokohama	Yokohama kusaibansho
Kobe	Kobe kusaibansho

29 All processes issued from the revenue courts for service on a resident in Nepal should be sent direct to the Nepalese Courts mentioned in the undernoted schedule They should be written in purely Devanagri character and not in English Urdu or Kaithi Likewise all correspondence and papers sent direct to the Nepalese Court or to the British Envoy for

Nepal

transmission to the Nepalese Government should be in the Devanagri character

SCHEDULE

List of Nepalese Courts

Name of Amini Courts	Names of British post offices on the border nearest to the Amini Courts
Under the Birganj Goshwara Court Birganj Amini Court of District Parsa	Raxaul (district Champaran)
Kalaiya, Amini Court of District Bara	Adepur ditto
Kadarbana, Amini Court of District Rautahat	Bairagnia (district Muzaffarpur)
Under the Mahotari Sarlahi Goshwara Court	
Jaleshwar Amini Court of District Mahotari	Madhwarpur (district Darbhanga)
Sarlahi, Amini Court of District Sarlahi	Sonbarsa (district Darbhanga)
Under the Saptari Goshwara Court	
Hanumannagar, *Amini Court of* District Saptari	Kanauli *Bazar (district Bhagalpur)*
Siraha, Amini Court	Jainagar (district Darbhanga)
Under the Morang Biratnagar Goshwara Court	
Biratnagar, Amini Court of the Morang Rangoli district	Jogbani (district Purnea)
Under the Morang Jhapa Goshwara Court	
Jhapa, Amini Court of district Jhapa	Dighaltank (district Purnea)
Under the Bethari Goshwara Court	
Bethari, Amini Court of district *Majhkhand*	Nautanwa Bazar (district Gorakh*pur)*
Parsi, Amini Court of district Parsi	Thuthibari (district Gorakhpur)
Butwal Chhoti Court of district Butwal Bazar	Shohratganj (district Basti)

Name of Amini Court	Names of British post offices on the border nearest to the Amini Courts
Under the Butwal Taulihwa Khajni Goshwara Court	
Taulihwa, Amini Court of Khajahni	Shohratganj (district Basti)
Shiuraj, Chhoti Court of Shiuraj	Ditto ditto
Dhudhwa Pahar, Amini Court	Jarwa (district Gonda)
Under the Nepalganj Bankey Pardia Goshwara Court	
Bankey, Amini Court of district Bankey.	Rupaidiha (district Bahraich)
Bardia, Amini Court of district Bardia	Katarniaghat ditto
Under the Trinagar Goshwara Court	
Kallali, Amini Court of district Kallali	Dudhuaghat (district Kheri)
Kanchanpur Amini Court of district Kanchanpur	Paliyakalan Tanakpur (district Pilibhit)
Darchula, Amini Court of district Baitadi	Jhula Gha (district Almora)
Under the Dhankuta Gaunda Ilaqa	
Taplejang, Amini Court	Sukhia Pokhari (district Darjeeling)
Under the Ilam Gaunda Ilaqa	
Ilam Amini Court ..	Sukhia Pokhari (district Darjeeling)

Burma

30 The service of summons between India and Burma shall be by post as provided by order V, rule 25 of the First Schedule to the Code of Civil Procedure, 1908

Iran

31 (a) All Judicial documents including Letters of Request, Commissions and summonses issued by Courts in India for execution and service in Iran should be forwarded to the Government of India in the External Affairs Department through the Provincial Government for transmission to the British Legation at Tehran

(b) All legal processes, Letters of Request or interrogatories issued by the Indian Courts shall be in English and shall be accompanied by translations into Persian or by an amount sufficient to cover the following translation fee chargeable at *Teheran*

(1) Fee for making or verifying a translation of a document for every hundred words or fraction thereof exclusive of fee for certificate 7*s* 6*d* plus 25% = 9*s* 6*d*

(2) Fee for granting any certificate not otherwise provided for if not exceeding 100 words exclusive of fee for drawing 10*s* plus 25% = 12*s* 6*d*

(c) Under Iranian Law His Majesty's Consular officers in Iran are precluded from taking evidence on commission even from British subjects The only way by which evidence can be obtained is through Letters of Request which can be executed by the co operation of the Persian authorities and to facilitate this purpose such documents should not be addressed to any particular person

(d) As delays occur in serving processes intended for Iran it is necessary that at least six months should normally be allowed for service of any individual document through diplomatic channels in Iran and for the return of the documents to the Court of Issue

(e) In order to avoid delays in the service of legal documents courts of issue should indicate clearly in English the exact last known address of the person concerned

(f) Documents issued in British India to British subjects concerning matters of personal status (such as certificates of Births Deaths or Marriages) and intended for use in Iran must be attested by a Persian Consular official at Bombay Delhi or Karachi who may legalize such documents

Siam

32 (a) All summonses and other legal processes intended for Siam shall be sent in the first instance to the Provincial Government who will forward them to the Government of India for submission to His Britannic Majesty's Consul General at Bangkok

(b) Documents and legal processes should be drawn up in proper form and if not typewritten should be written in ink

(c) They should be written in English and exactly legible and full translations in English should accompany all vernacular documents forming enclosures

(*d*) The returnable date to be specified in documents should be so fixed as to allow eight months time for execution and return of documents to India before the date fixed for the next hearing of the suit

(*e*) The names and addresses of the individuals upon whom the service of summons is desired should be stated in the forwarding letter

(*f*) Courts issuing legal processes should require the parties concerned to deposit a sum into the treasury sufficient to cover all expenses likely to be incurred by the execution of such processes in Siam

Dutch East Indies

33 (*a*) Summonses and other legal documents should be transmitted with a covering letter to the Netherlands East Indian Judicial authorities through the Provincial Government, the Government of India, and His Majesty s Consul General at Batavia

(*b*) Summonses and judicial communications intended for Sumatra should be accompanied by a translation in English of all vernacular documents sent therewith Ample time should be given for service and return to the court issuing them

(*c*) When it is necessary to obtain evidence of witnesses residing in Java a commission may be addressed to the British Consular officer concerned and forwarded to the Government of India through the Provincial Government Care should be taken to omit the clause process to compel the attendance of the witness will be issued by any court having jurisdiction on your application" when completing form no 7 in Appendix H of the Code of Civil Procedure

Iraq

34 (*a*) Summonses from courts in India for service on persons resident in Iraq may be sent direct to the particular court concerned in Iraq or if the correct designation of such court is unknown then to the Iraq Ministry of Justice Baghdad

NOTE—If for any reason it is considered necessary to transmit any document to the Iraq authorities through His Majesty s Embassy they should be sent through the Provincial Government to the Government of India for transmission

(*b*) A period of at least 3 months subsequent to the date of despatch should be allowed for the service of summons and an English translation of every vernacular document should be attached to the summonses

(*c*) All documents intended for production in the courts of Iraq or other parts under the Iraq Government will be countersigned by the Secretary to Government, United

Provinces Judicial Department and the summonses issued for service in Iraq will also be similarly authenticated

35 All documents intended for use in Turkey should be duly legalized by authentication in the United Provinces by the following authorities, who have been appointed to authenticate documents for use in Turkey.

Turkey

(i) Registrar, Allahabad High Court

(ii) Registrar, Oudh Chief Court, Lucknow

36 No writ will be accepted by the Government of Hedjaz Nejd and its dependencies unless such writ is legalized in conformity with the following instructions

Hedjaz Nejd

(a) All writs and legal documents must be legalized by the Directorate of Foreign Affairs for Hedjaz Nejd and its dependencies

(b) In the case of document issued by Courts in British India it is necessary that they should be legalized at the British Legation at Jedda and then by the Hedjazi Ministry of Foreign Affairs

(c) In order to enable His Majesty's Legation at Jedda to carry out such legalization, documents intended for use in Hedjaz should be authenticated by the affixation of the seals and signatures of the undernoted authorities who have been appointed for this purpose

(i) Registrar Allahabad High Court

(ii) Registrar, Oudh Chief Court, Lucknow

(d) Full Arabic translations should invariably accompany all documents presented for legalization to the Hedjazi Ministry for Foreign Affairs, unless such writs and legal documents are themselves written in Arabic

37 (a) Evidence may be obtained in the United States by the issue of a Commission addressed to "His Majesty's Consul General at New York or any of the officers under his superintendence," and who will arrange to take the action necessary Such commissions will be submitted to the Government of India through the Provincial Government and will be transmitted to His Majesty's Consul General at New York

United States of America

(b) A sum of one hundred dollars should accompany each Commission to cover expenses incurred

(c) Letters of Request should not be addressed to the United States Judicial authorities as evidence should be obtained when necessary by issuing Commissions addressed to His Majesty's Consular Officers

Mauritius

38 Summonses intended for Mauritius should be forwarded to the Government of India through the Provincial Government for transmission and should be accompanied by a sum estimated to be sufficient to cover the cost of service and any balance will be subsequently refunded

Portuguese East Africa

39 (a) British Consular officers should not be appointed Commissioners to record evidence in Portuguese East Africa and when necessary a Letter of Request addressed by the Indian Courts should issue to the competent judicial authority at Mozambique and should be submitted to the Government of India through the Provincial Government for transmission

(b) Such Letters of Request should be accompanied by a Portuguese translation and will be forwarded to the Secretary of State by the Government of India for transmission to His Majesty's Ambassador at Lisbon who will transmit it through the Portuguese Government to the court at Mozambique

Union of South Africa

40 (1) Documents intended for use in the Union of South Africa may be authenticated by

(a) In British Territories or Protectorates

- A Trade Commissioner of the Union
- A Resident Commissioner or Assistant Commissioner,
- A Head of a Department,
- A Magistrate
- A Registrar of a court
- A Notary

(b) In the British Navy or Army on active service wherever signed

Any Commissioned officer

(2) General

(a) Affidavits sworn before and attested by a Commissioner of the Supreme Court of any country beyond the confines of the Union require no further authentication

(b) Powers-of attorney executed in any British Territories or Protectorates to sue in the Union require no authentication

(c) Any document not authenticated may be accepted in any court in the Union if it appears from conditions prevailing that it was not possible to get this done

41 The schedule of fees and expenses payable in connexion with the execution of Commissions and Letters of Requests under Chapter XXX of the Civil Procedure Code of the Federated Malay States is as follows

Federated Malay States

		$
1	Affidavit	1 50
2	Originating summons	1 50
3	Order of Judge	1 50
4	Upon giving an appointment to take an examination under section 393 of the Civil Procedure Code	15 00
5	For every witness sworn and examined under section 393 of the Civil Procedure Code for each hour or part of an hour	5 00
6	Certificate of Registrar	1 50
7	Transport (according to the distance of the residence of the witness)	
8	Subsistence allowance (according to the status of the witness)	

NOTE—Items 1 and 2 will not be required if no agent is appointed in the Federated Malay States

42 All revenue courts are informed that there is no reciprocal arrangement between British India and Saudi Arabia for service of summonses issued by British Indian courts on persons residing in Saudi Arabia and *vice versa*

Saudi Arabia

43 No legal processes should be addressed to Afghanistan as *the Afghan Government refuse* to execute them

Afghanistan

CHAPTER IV

Rules relating to Affidavits*

*G. O. no 3664(1) I.-1A.—345/1927, dated the 1st October, 1927 (serial no. 72/384-B).
G. O. no. 1329, I A —345/1927, dated the 30th August, 1928 (serial no 179/384 B).

Form of affidavit.

17.—The provisions of Order XIX of the First Schedule of the Code of Civil Procedure, 1908, relating to affidavits, shall apply to all revenue courts when acting judicially in cases under the United Provinces Land Revenue Act, III of 1901

Affidavits.

18.—Affidavits shall be entitled in the court of at (naming such court) If the affidavit be in support of, or in opposition to, an application respecting any case in the court it shall also be entitled in such case. If there be no such case, it shall be entitled in the matter of the petition of

19.—Affidavits shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct portion of the subject.

Fact to which confined

20.—Affidavits shall be confined strictly to such facts as the declarant is able of his own knowledge to prove The declarant in speaking to such facts must do so directly and positively, using the words "I affirm" or "I make oath and say"

Joint affidavit.

21.—Two or more persons may join in an affidavit, each deposing separately to the facts which are within his own knowledge, such facts to be stated in separate paragraphs

Description of persons and places

22.—Every person making an affidavit and every person referred to in an affidavit shall be described clearly, that is to say, by the statement of his full name, the name of his father, his caste or religious persuasion his rank or degree in life, his profession calling occupation or trade and the true place of his residence Every place referred to in an affidavit shall be correctly described

Procedure when affidavit is made

23.—Every person making an affidavit for use in a revenue court shall, if not personally known to the person before whom the affidavit is made, be identified to that person by some one known to him and the person before whom the affidavit is made shall state at the foot of the affidavit the name, address and description of the person by whom the identification was made as well as the time and place of such identification.

24. No verification of a petition and no affidavit purporting to have been made by a *pardanashin* woman who has not appeared unveiled before the person before whom the verification or affidavit was made shall be used unless she has been identified in the manner already specified and unless such petition or affidavit be accompanied by an affidavit of identification of such woman made at the time by the person who identified her.

25.—The person before whom any affidavit is about to be made shall before the same is made ask the person proposing to make such affidavit if he has read the affidavit and understands the contents thereof and if the person proposing to make such affidavit states that he has not read the affidavit or appears not to understand the contents thereof or appears to be illiterate the person before whom the affidavit is about to be made shall read and explain or cause some other competent person to read and explain in his presence, the affidavit to the person proposing to make the same and when the person before whom the affidavit is about to be made is thus satisfied that the person proposing to make such affidavit understands the contents thereof the affidavit may be made.

26.—The person before whom an affidavit is made shall certify at the foot of the affidavit the fact of the making of the affidavit before him and the time when and place where it was made and shall for the purpose of identification mark and initial any exhibits referred to in the affidavit.

No. XIV—25—1934. Revenue Department notification no. 944/I—29 dated the 2nd May 1934 and C. O. no 1382/I—21 dated the 10th July 1934.

26A.—The Superintendents and Deputy Superintendents of Commissioners' offices and the Registrar and Sarishtedars of the Board of Revenue United Provinces have been appointed officers to administer oaths on behalf of Commissioners and the Board of Revenue respectively to deponents making affidavits under the Agra Tenancy Act 1926, and the Oudh Rent Act 1886, or the United Provinces Land Revenue Act 1901.

The fees chargeable by the officials so appointed shall be annas eight for each affidavit verified either in the Court of

the Board or the Courts of Commissioners. Such fees shall be realized in court-fee labels which should be affixed to the affidavit.

27.—If it be found necessary to correct any clerical error in any affidavit, such correction may be made in the presence of the person before whom the affidavit is about to be made, and before but not after, the affidavit is made Every correction so made shall be initialed by the person before whom the affidavit is made, and shall be made in such manner as not to render it impossible or difficult to read the original word or words, figure or figures, in respect of which the correction may have been made

Instructions relating to Affidavits*

With reference to section 4 of the Indian Oaths Act 1873 it is convenient that each revenue court should nominate the naib nazir at tahsils and the nazir at sadr to administer an oath for the verification of affidavits made by process servers regarding the service of summonses, etc

*G O no 1329/IA.—345/1927, dated the 30th August, 1928 (serial no. 179/281 B)

CHAPTER V

Instructions relating to Documents in Judicial Cases*

*G. O no 651/I A —160/1928, dated the 24th April, 1928, Revenue (A) department.

Sending for records

1 [illegible]

NOTE [illegible] capacity of a public [illegible] r XIII, rule 10; [illegible] be obtained by [illegible] to produce such documents shall be issued to the District Officer who shall send the document by a messenger

2 When a court is called upon to send for a judicial record on the application of parties, an affidavit shall invariably be filed [Order XIII, rule 10(2) Code of Civil Procedure, 1908], and the court before complying with the request shall satisfy itself that good cause for compliance has been shown It should be stated in the requisition that the court has satisfied itself that the production of the original record is actually necessary

3 Rules for the procedure to be observed in sending for records from other courts are prescribed in chapter LVII of the Revenue Manual

Post office records

4 When any journal or other record of a post office is produced in court the court shall not permit any portion of such journal or record to be disclosed other than the portion or portions which seem to the court necessary for the determination of the case then before it

Production, admission and rejection of a document

5 (1) When a document included in the list prescribed by Order XIII, rule 1 of Act V of 1908 has been tendered in evidence and has been finally rejected, it shall forthwith be endorsed as prescribed in Order XIII, rule 6 of Act V of 1908, and, unless impounded under rule 8 of that Order or rendered wholly void or useless by force of the decree, it shall be returned to the person tendering it, who shall give a receipt in column 4 of the list If such person be not in attendance, a document rejected shall before the judgment is pronounced be placed in a sealed envelope marked with the name of the suit and the name of the party tendering the document and bearing a heading ' not part of the record ' A document so rejected shall in no case remain as part of the record, and if such document has come into the record a note of its rejection shall be made in the fly leaf

(2) When a document is admitted or rejected, an appropriate entry shall be made on the list *

(3) When an original document, after being marked for the purpose of identification, is returned and a copy thereof substituted under the provisions of Order VII, rule 17, or Order XIII, rule 5, a note of the return of the original shall be made on the list.

Marking of documents.

6 When a document included in the list, prescribed by rule 1, Order XIII, Code of Civil Procedure, has been admitted in evidence, the court shall, in addition to making the endorsement prescribed in rule 4(1), mark such document with serial figures in the case of documents admitted as

*H C. Form no 71 XXII—for Agra, Oudh Form no 110 for Oudh.

evidence for a plaintiff, and with serial letters in the case of documents admitted as evidence for a defendant, and shall initial every such serial number of letter When there are two or more parties defendants, the documents of the first party defendant may be marked A1, A2, A3 etc and those of the second B1, B2, B3, etc When a number of documents of the same nature is admitted, as for example a series of receipts for rent, the whole series shall bear one figure or capital letter or letters and a small figure or small letter shall be added to distinguish each paper of the series

Cost on refusal to admit the genuineness of a document.

7. When a party has without good reason refused to admit the genuineness of a document, it will generally be proper to make him bear the costs incurred in proving it, whatever be the result of the action

Cost on failure to call the other party to admit

8 Attention is invited to Order XII, rule 2, Code of Civil Procedure, 1908, which lays down the principle that a party who has not taken the trouble to call on the opposite party to admit the genuineness of any documents material to the suit shall not ordinarily be allowed costs for proving the documents

Return of documents

9 Care shall be taken that no document is returned within the period specified in Order XII, rule 9, Code of Civil Procedure, 1908, till a certified copy has been delivered to be substituted for the original, and that no document ordered to be impounded or which has by force of a decree become void or useless, is allowed to pass out of the custody of the court No document produced for the purpose of comparison of signature, writing or seal shall be returned within the period specified in Order XIII, rule 9

Return of the record

10 When a record is no longer required it shall be promptly returned to the record room or the court from which it was received as the case may be

11 When a document in any record is made an exhibit in another record and is removed to that record a certified copy of the document shall be retained in the record from which the document is removed and a note of the removal made on the fly index or order sheet The certified copy shall be prepared by the court reader or if specially directed by the court, by the copying department and shall be signed by the presiding officer of the court. After the decision of the appeal or after the expiry of the period of appeal, if no appeal has been brought the document shall be returned to the record of which it originally formed part, its place being taken by the certified copy

Translation to accompany the documents not written in Hindi, Urdu or English.

12 Every document not written in the court vernacular i e, Urdu, Hindi or in English which is produced and tendered in evidence shall be accompanied by a correct translation of the document into the court vernacular

Notice of withdrawal of documents

13 A general notice shall be posted in a conspicuous part of every court house giving warning that all documents filed in any suit or proceeding which may legally be returned must be withdrawn as soon as the decree or order made in the suit or proceeding has become final and that if they are not so withdrawn, they will remain at the risk of the persons concerned.

CHAPTER VI

Rules relating to Execution of Decrees in Revenue Courts*

* G O no 1063/I-A—113/1928, dated the 9th July, 1928 (serial no. 160/381-B)

Arrangements for custody.

28.—(1) Where the live stock or other movable property has been attached under a decree passed by a revenue court, the attaching officer shall leave it, by order in writing—

(a) if the judgment-debtor furnishes such security as appears to the officer to be sufficient, in the custody of the judgment debtor, or

(b) if the judgment-debtor does not furnish such security, and some landholder or other respectable person is willing to undertake the custody and to produce the live stock or other movable property when required, then in the custody of such landholder, or other person.

(2) In the case of live-stock, the attaching officer shall enter a brief description thereof—

(a) in the order in writing referred to in sub-rule (1), and

(b) in the report of attachment made by him to the court

(3) Where arrangements cannot be made under sub-rule (1), the attaching officer shall—

(a) in the case of live stock remove it to the nearest pound or

(b) in the case of other movable property, appoint one or more care-takers

Duties of pound-keeper.

29.—(1) Where live-stock is removed to a pound under rule 1 sub-rule (3), clause (a), the pound-keeper shall enter in a register—

(a) the number and description of the stock,

(b) the day and hour on and at which the stock was committed to his custody; and

(c) the name of the attaching officer who so committed it, and shall give such officer a copy of the entry.

(2) The pound-keeper shall take charge of all animals committed to his charge under sub-rule (1) and shall duly feed and water them.

30.—(1) For every animal committed to the custody of a pound-keeper there shall be leviable a rent for the use of the pound for each period of fifteen days, or part of such period during which the custody continues in accordance with the scale prescribed in section 12 of the Cattle Trespass Act, 1871.

Notification no 2496/I—370-1905, dated the 22nd August, 1905 Gazette of 26th August, 1905, page 615.

Pound charges.

(2) The sums levied under sub-rule (1) shall be sent to the treasury to be credited to the municipal or district board or the committee of the notified area, as the case may be, within the local limits of whose jurisdiction the pound is situated.

(3) All such sums shall be applied in the same manner as fines levied under section 12 of that Act. The pound keeper shall also be paid for feeding and watering any animal committed to his custody at the rate for the time being fixed under section 5 of that Act by proper authority for the charge for feeding and watering impounded cattle

Release of live stock.

31.—An animal committed to the custody of the pound-keeper shall not be released otherwise than upon the order in writing of the court executing the decree or of the attaching officer or of the officer appointed to conduct the sale, addressed to the pound keeper The court or the officer directing release of the animal shall see that all charges leviable under rule 3 have been paid in full before release is effected.

Care taker's charges

32.—A care-taker appointed under paragraph 28, sub rule (3), clause (b), shall be paid a daily sum of not less than four annas or more than six annas, but the court may, for reasons to be recorded in writing, allow a higher rate.

Liability of decree-holder to pay certain charges

33.—The cost of preparing live-stock or other movable property for sale, or of conveying it to the place at which it is to be kept or sold, shall be payable in the first instance by the decree-holder

Ascertainment of charges and their payment

34.—The amount of charges payable hereunder shall be ascertained and recorded by the attaching officer or the officer holding the sale when the live-stock or other movable property is released from attachment or sold, and shall, so far as may be, be discharged by him from the amount, if any, paid in by the judgment-debtor before the release of the live stock or other property or from the proceeds of the sale.

Procedure where discharge is impossible.

35.—(1) If—

(a) the live-stock or other movable property is adjudged to belong to a third person who has objected to the attachment, or

(b) the proceeds of the sale are found [illegible] cient, or

(c) the decree is settled out of court or

(d) for any other reason—

payment of the charges is impossible the attaching officer or the officer holding the sale shall report the matter for orders to the court executing the decree

(2) On receiving a report under sub rule (1) the court shall recover all charges payable from the decree holder

Rules for sale in execution of decrees of revenue courts

General

36 —(1) Sales of immovable property other than ancestral property in Oudh referred to in chapter XLI of the Revenue Manual are governed by the rules in Order XXI of the first Schedule of the Code of Civil Procedure 1908

Commission charged on sale proceeds

(2) A fee shall be payable in all cases of sale of revenue paying property by way of commission on the full amount of the purchase money at one per cent

The commission fees shall be realized—

(a) Where under rule 84(2) of Order XXI of the First Schedule of the Code of Civil Procedure no deposit is required by the person conducting the sale from the decree holder before he is declared the purchaser

(b) Where under rule 84(1) of that order a deposit is required by deduction by the Collector from the deposit

When realized the money shall be credited to Government

NOTE 1 —For rules regarding sale of ancestral land in Oudh see chapter XLI of the Revenue Manual

NOTE 2 —A fee at one anna in the rupee subject to a limit of Rs 10 is charged by way of commission in case of sale of other immovable property

Certificate as to encumbrances

37 —(1) When the property which it is sought to bring to sale is immovable property within the definition of the same contained in the law for the time being in force relating

file

th n

the

Sub Registrar has searched his books nos I and II and indices I and II for the past twelve years and stating the encumbrances if any, which he has found on the property

Inquiry as to Government claims

(2) When the property which it is sought to bring to sale is revenue paying or revenue free land or any interest in such land the court, before ordering sale shall call upon the Collector in whose district such property is situated to report whether the property is subject to any (and if so to what)

outstanding claims on the part of Government Whether any persons have been decreed subordinate tenures in respect of any of the land included in the property ordered for sale, and if so, the number of such tenures with the extent of land so decreed and the rent payable by the subordinate holders.

The area of *sir* or *khudkasht* lands, if any, comprised in such property together with the date from which the judgment-debtor has cultivated such *khudkasht* land continuously

Inspection by parties of the certificate under (1) and the report under (2)

(3) The certificate of the Sub-Registrar and the report of the Collector shall be open to the inspection of the parties or their pleaders, free of charge, between the time of their receipt by the court and the declaration of the result of inquiry into the matter to be specified in the proclamation of sale.

Report exempt from fees

(4) No fees are payable in respect of the report by the Collector

Costs under rule 66, Order XXI Civil Procedure Code and rule 10 to be paid by decree holder

38.—The cost of the proceedings under rule 66, Order XXI of the Civil Procedure Code and para 37 of this Manual shall be paid in the first instance by the decree holder, but they shall be charged as part of the cost of execution, unless the court for reasons to be specified in writing should consider that they should either wholly or in part be omitted therefrom

Instructions relating to Execution of Decrees of Revenue Courts

Necessity for the prompt and careful disposal of execution cases

1 It is the duty of revenue court to see that execution cases are not neglected or needlessly prolonged They should be disposed of with the same care and regularity as original suits But care should be taken that sufficient time is allowed for execution for all processes warrants etc issued in execution of decrees as abortive attempts to execute orders lead only to ultimate delay

Registers and returns

2 A register* of execution of decrees shall be maintained in each court and every application for execution of a decree shall as soon as it is admitted be entered in it A return (appendix XXXIB) of execution work shall be included in the appendices to the annual Revenue Administration Report

Examination of application by readers

3 It is the duty of the reader of each court to examine applications for execution and to report without delay whether such of the requirements of Order XXI, rules 11—14 Code of Civil Procedure 1908 as may be applicable have been complied with

Certificate of payment out of court

4 A certificate in the form given below may be presented under Order XXI rule 2(1) Act V of 1908 to the court without any formal written application Such certificate need not be stamped Should the certificate accompany a formal written application such application must be

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*B R Form no. 119

stamped under Act VII of 1870, but the stamp shall not be charged as costs against the judgment debtor The form of certificate shall be as follows

IN THE COURT OF THE OF

Plaintiff,

versus

Defendant

SUIT NO OF 19

Certificate by decree holder under Order XXI, rule 2(1) *of Act V of* 1908.

I,——————decree holder certify to the court payment or adjustment in the following terms of the amount of Rs in the above suit by on the

Decree holder

Date——————

Accounting for certain payment into the Treasury

5 When out of the sum recovered under rule 35 any sum is remitted to the treasury on account of the rent for the use of the pound it shall be accompanied by an invoice (*chalan*) in triplicate in form no 43A of the Municipal Account Code, of which one part shall be forwarded by the treasury officer to the municipal or district board, or the committee of the notified area as the case may be within the local limits of whose jurisdiction the pound is situated and a note that the sum has been paid into the treasury shall be recorded on the extract from the pass book

Matters ascertained after proclamation to be notified to intending purchasers

6 If after proclamation of a sale in execution of a decree has been made any matter is brought to the notice of the court which it considers material for purchasers to know the court shall cause the same to be notified to intending purchasers when the property is put up for sale

Purchase by decree holder

No 26, dated the 10th December, 1935

G O no 734/I—279, dated the 7th *November*, 1935

Serial 3, File no 645B

7 The court ordering the sale, shall inform the officer appointed to conduct the same whether there are any persons in addition to the decree holder entitled to share in the sale proceeds

8 When a decree holder has purchased and desires as permitted by Order XXI, rule 72 Act V of 1908 to set off the amount due to him on the decree, and there is no other person claiming under section 73 and the purchase money does not exceed the amount due to him on the decree and the costs of executing it he shall not be required to make any payment under rule 77 or rule 84 of Order XXI, as the case may be provided that in any case he shall forthwith pay the commission fee

9 When a decree holder has purchased and desires, as permitted by Order XXI, rule 72 Act V of 1908, to set off the amount due on the decree, and there is no other person claiming under section 73, and the purchase money exceeds the amount due on the decree and the costs of executing it, he shall pay the excess in cash at the time of the sale provided that if such excess be less than the fee payable by way of commission the sum to be paid shall be the amount of such fee provided also, in the case of *immovable property that if the excess be greater than twenty five per* centum of the purchase money the deposit of twenty five per centum only shall be required as authorized by rule 84

10 When a decree holder has purchased and there is any other person claiming under section 73 Act V of 1908, the requirements of rules 77, 84 and 85 of Order XXI shall be strictly complied with

11 (1) By section 89(2) of Act XIV of 1908 the court granting a certificate under Order XXI, rule 94, Act V of 1908, is required to forward a copy of it to each registering officer within whose jurisdiction any part of the immovable property comprised in such certificate is situate. These copies are filed in book I by the registering officers who under section 55 of Act XIV of 1908 have to maintain indexes containing certain particulars To enable them to do this, it is necessary that the officers presiding in the revenue courts should be careful to enter in the certificates—

Copy of certificate to be sent to registration office

(a) the "addition (as defined in section 2 of Act XIV of 1908) of the person who is declared to be the purchaser,

(b) particulars sufficient to identify the property as required in sections 21 and 22 of the said Act

(2) As the law [Act II of 1899, section 3, clause (a), and article 18 of the first schedule, and section 35] requires a *certificate of sale granted to the purchaser of any property sold by public auction by a civil court or a court of revenue or a Collector or other revenue officer to be duly stamped no such certificate shall be drawn up in respect of any sale held since the first day of April 1879 except upon stamped paper of the value required by the Act, and no copy shall be prepared for any purpose of any certificate of sale not so drawn up

(3) On each copy the amount of stamp duty paid on the original certificate shall be noted Copies prepared in compliance with section 89(2) of Act XIV of 1908 are by article 24(a) of schedule I of Act II of 1899 exempted from stamp duty

(4) All copies of certificates of sale shall be prepared upon durable paper, a margin being left for binding

12 Under Order XXI rule 94, Act V of 1908 the date to be entered in the certificate of sale is the date of confirmation of the sale The date of application for the certificate and the date of its issue to the applicant shall also be noted at the foot of the document

Date to be entered in certificate

*B R form no 150

CHAPTER VII

Rules prescribing the Rates of Fees to be charged for Serving and Executing Processes issued by Revenue Courts

Government notification no 520/I dated the 23rd March, 1917, under section 20 of the Court Fees Act (VII of 1870) [41/228]

Fees chargeable

39.—*Fees chargeable for serving and executing processes issued by revenue courts in proceedings under the Agra Tenancy Act, 1926, the Oudh Rent Act, 1886, and the United Provinces Land Revenue Act, 1901, and for the services of the officers executing the processes or conducting sales in execution of orders or decrees of such revenue courts*

The fees in the following table shall be charged for serving and executing the several processes against which they are respectively shown

Provided that if the case in which the process is issued is one which has been transferred from one court to another of different powers, the fee shall be that prescribed for the court from which the case was transferred and in which it could have been tried

Table of fees

		If issued from the court of an Assistant Collector, second class, including that of a *Tahsildar*	If issued from any other court
		Proper fee	*Proper fee*
Article 1 ..	Summons to defendants, when the defendants are not more than four in number, *one fee*	Rs a p 0 12 0	Re 1 4 0 if issued from the courts of Collectors and Assistant, Collector, of the first class Re 1-8 0 if issued from the courts of Commissioners Rs 2 0 0 if issued from the Board of Revenue
	When the defendants are more than four in number	The fee mentioned above for the first four, and [illegible] [illegible] under this article [illegible] Rupees five if issued from the courts of Assistant Collectors of the second class Rupees six and annas four if issued from the courts of Collectors of first class Rupees seven and annas eight if issued from the courts of Commissioners Rupees ten if issued from the court of the Board of Revenue	

		If issued from the court of an Assistant Collector, second class, including that of *a Tahsildar*	If issued from any other court
		Proper fee	*Proper fee*
		Rs a p	
Article 2	Summons to witnesses, when the witnesses are not more than four in number, *one fee*	0 12 0	Re 1 4 0 if issued from the courts of Collectors and Assistant Collectors of the first class Re 1 8 0 if issued from the courts of Commissioners Rs 2 0 0 if issued from the Board of Revenue
	When the witnesses *are more than four* in number NOTE —For the scale for the remuneration of witnesses, see paragraph 92 of chapter X	The fee mentioned above for the first four, and *an additional fee of one fourth of the original* fee for every witness in excess of four	
" 3 .	Every order of attachment	0 12 0	Re 1 4 0 if issued from the courts of Collectors and Assistant Collectors of the first class Re 1 8 0 if issued from the courts of Commissioners Rs 2-0-0 if issued from the Board of Revenue
" 4 ..	In respect of the services of the officer making an attachment in the manner prescribed in Order XXI and section 46 of Act V of 1908, when property is to be attached in one town or village only, *one fee*	0 12 0	Re 1-4 0 if issued from the courts of Collectors and Assistant Co l[illegible]tors of the first class Re 1 8 0 if iss[illegible]d from the courts of Comm ssioners Rs 2 0 0 if issued from the Board of Revenue
	When property is to be attached in more than one town or village	The fee mentioned above for the first town or village specified in the order of attachment and an additional fee of one fourth of the original fee for every other town or village provided that the aggregate amount of the fees levied under this article sl all not exceed— Rupees five if issued from the courts of Assistant Collectors of the second class Rupees six and annas four if issued from the [illegible] tors of [illegible] [illegible]ght if [illegible] [illegible] Board [illegible]	

		If issued from the court of an Assistant Collector, second class including that of *a Tahsildar*	If issued from any other court
		Proper fee	*Proper fee*
		Rs a p	Rs a p.
Article 5 .	Every warrant of arrest in respect of each person to be arrested	1 8 0	1 8 0
„ 6	Every order for the sale of movable property or immovable property not paying revenue to Government—		
	(*a*) in respect of the order of sale	0 12 0	Re 1 4 0 if issued from the courts of Collectors and Assistant Collectors of the first class Re 1 8 0 if issued from the courts of Commissioners Rs 2 0 0 if issued from the Board of Revenue
	(*b*) by way of commission	A charge of one anna in the rupee or fraction of a rupee of the proceeds of the sale of the property sold	
„ 7 .	In respect of the services of the officer making delivery of possession of property under Order XXI of Act V of 1908, when the property is to be delivered in one town or village only *one fee*	0 12 0	Re 1 4 0 if issued from the courts of Collectors and Assistant Collectors of the first class Re 1 8-0 if issued from the courts of Commissioners Rs 2 0 0 if issued from the Board of Revenue
	When property is to be delivered in more than one town or village	The fee mentioned above for the first town or village specified in the warrant of delivery, and an additional fee of one fourth of the original fee for every other town or village provided that the aggregate amount of fees levied under this article shall not exceed— Rupees five if issued from the courts of Assistant Collectors of the second class Rupees six and annas four if issued from the courts of Collectors and Assistant Collectors of first class Rupees seven and annas eight if issued from the courts of Commissioners Rupees ten if issued from the court of the Board of Revenue	

		If issued from the court of an Assistant Collector, second class, including that of *a Tahsildar*	If issued from any other court
		Proper fee	*Proper fee*
Article 8 .	Proclamation under section 110, United Provinces Land Revenue Act, 1901, when the copies to be served are not more than four in number, *one fee*	Rs a p	Rs a p 1 4 0
	When such copies are more than four in number	The fee mentioned above for the first four, and an	
" 9	Notice, proclamation, injunction, or other order not specified in any preceding article when the copies to be served or posted are not more than four in number *one fee*	0 12 0	Re 1 4 0 if issued from the courts of Collectors and Assistant Collectors of the first class Re 1 8 0 if issued from the courts of Commissioners Rs 2 0 0 if issued from the Board of Revenue
	When such copies are more than four in number	The fee mentioned above for the first four and an additional fee of one fourth of such fee for every copy in excess of four provided that the aggregate amount of the fees levied under this article shall not exceed— Rupees five if issued from the courts of Assistant Collectors of the second class	
" 10	In respect of the services of a special messenger deputed to execute by emergent	0 8 0 In addition to the ordinary fee chargeable	0 12 0
		the suit or be charged to a particular party no such additional fee shall be charged in the case of a warrant for the arrest of any person)	

(1) Notification no 1904/I A—233 1931 dated the 3rd December 1931
(2) Notification no 652/I A—243 1931 dated the 18th April 1932

Processes, etc, for which no fees are chargeable

40.—Notwithstanding anything contained in paragraph 39, no fee shall be chargeable for serving or executing—

(a) any process which may be issued by any court of its own motion solely for the purpose of taking cognizance of and punishing any act done or words spoken in contempt of its authority,

(b) any process issued a second time in consequence of an adjournment made otherwise than at the instance of a party, or in lieu of processes not properly served,

(c) any copy of a warrant, order, or certificate posted under Order XXI rule 36 54 or 96 of Act V of 1908, when the fee chargeable for the warrant, order, or certificate has been paid,

(d) any copy of a summons, notice, order, proclamation, or other process posted in any court house or office,

(e) any order intimating withdrawal of attachment, or postponement of sale,

(f) any order intimating to a sale officer that permission has been given to a decree holder to bid for or purchase property under Order XXI, rule 72 of Act V of 1908,

(g) any order directing an officer in charge of a jail to detain, or to release a person committed to his custody,

(h) any process issued in the course of a partition case except the original proclamation under section 110 and those necessary in proceedings under section 111 of Land Revenue Act, 1901,

(i) any process which may be issued by any court of its own motion for the attendance of any person other than a party to the suit and not called as a witness by a party to the suit, and

(j) any copy of a proclamation issued under section 197 of the United Provinces Land Revenue Act, 1901, as prescribed by the Board in para 182 of Chapter XXI

Payment of fees

41.—No process which comes within the operation of para 39 shall be drawn up for service or execution until the fee chargeable under the rule applicable has been paid The fee shall be paid in court fee stamps, which shall be affixed either on the application by which the court is moved to issue the process, or, if no such application be filed, on the order by which the court directs the issue of service of the process If such an application be filed, it shall bear the requisite stamps for the fee, in addition to such stamps, if any, as are needed for its own validity

Refunds

42.—Except as hereinafter mentioned, no fee paid in respect of an order of attachment or an order of sale shall be refunded if the order in respect of which the fee has been paid has been passed.

If for any reason it becomes unnecessary for an officer to proceed to make an attachment in the manner prescribed in Order XXI, rule 43, 44, 51, or 54, or delivery of possession of property under Order XXI of Act V of 1908, any fee paid in respect of his services shall be refunded

If for any reason it becomes unnecessary to serve or execute a summons, notice, warrant, proclamation, injunction, or order not hereinbefore in this paragraph specified, for which a fee has been paid, half the fee shall be refunded if the process has not been issued Application for refund shall be made within three months from the date it becomes unnecessary to issue the process

Refunds shall be made on form 123 prescribed by the High Court of Judicature, at Allahabad, in rule 29 of chapter XVII of the General Rules (Civil)

Fees chargeable for services of officer executing process or conducting sale

43.—The following fee shall be chargeable for the services of the Officer executing the process or conducting the sale in the cases specified below

(1) The division, estimate or appraisement of crops under section 139 of the Agra Tenancy Act, 1926, or section 32 of the Oudh Rent Act, 1886 a fee of one rupee,

(2) distraint under chapter X of the Agra Tenancy Act, 1926, or chapter VII of the Oudh Rent Act, 1886 a fee of one rupee under section 163 of the Agra Tenancy Act, 1926, or section 83 of the Oudh Rent Act, 1886, for service of a notice as required by sections 164 and 84 of those Acts respectively and a charge of one anna in the rupee or fraction of a rupee of the proceeds of the sale of the property distrained or when the sale officer goes to any place to conduct a sale and no sale takes place (section 174 of the Agra Tenancy Act, 1926, or section 95 of the Oudh Rent Act, 1886) a charge of one anna in the rupee on the estimated value of the property under attachment or distraint *provided that in no case* shall such fee exceed Rs 10

If the distrainer's demand is not satisfied until the date fixed for sale the fee is due from the owner of the property and shall be realized before the property is released—by sale, if necessary

(3) (1) Execution of decrees of revenue courts against movable property under Order XXI of Act V of 1908 (vide section 264 of the Agra Tenancy Act, 1926, and *section 135 of the Oudh Rent Act, 1886)* · and

(2) Sale of immovable property other than land paying revenue to Government, e g , houses, or groves in Oudh, etc , in execution of decrees of revenue courts, whether sold by a kurk amin, or if the court so directs owing to the property being of considerable value, by the tahsildar or naib tahsildar—

(*a*) a charge of one anna in the rupee of the proceeds of the movable property, or immovable property not paying revenue to Government, which is sold,

(*b*) before an officer is deputed to sell property a payment shall be required on the following scale to meet the expenses of his deputation in the event of no sale taking place by reason of the claim being satisfied or for any other cause

	Rs	a	p
When the amount including interest and costs due upon the decree or order or the amount for recovery does not exceed Rs 50	1	8	0
When such amount exceeds Rs.50, but does not exceed Rs 1 000	3	0	0
When such amount exceeds Rs 1 000	6	0	0

(*c*) if the sale takes place the above amount shall be deducted from the commission payable under article 6 of paragraph 39 above, and if for any reason it becomes unnecessary for the officer to proceed to the place where the sale was to have been held, the payment made under this paragraph shall be refunded *by means of a postal money order after deducting the requisite money order commission In *no other case shall a refund be allowed,*

(4) ejectment and reinstatement of tenants in execution of a decree of a revenue court and under section 79 of the Agra Tenancy Act, 1926 or under sections 60 and 61, Act XXII of 1886 a fee of one rupee

If for any reason it becomes unnecessary for the ejectment to be carried out, any fees paid in respect of it shall be refunded *by means of a postal money order after deducting the requisite money order commission

*G O no 956/IA—231/1928 dated the 14th June 1928 (serial no 149/384B)

44.—In addition to the above fees the sale officer may, when drummers are employed, levy a charge of 2 annas per day for each village if the cases refer to one landholder only. When there are several cases referring to different landholders in one village, a fee of one anna per landholder may be charged. The amount levied should be paid over to the drummer immediately on realization, and the same drummer should not necessarily be taken from village to village during the day.

Employment of drummers and their charges, etc

Incidental charges, such as the wages of chainmen and the like, shall be levied in cash The amount will be at the discretion of the court, and they shall be paid by the party named by the court before the sale officer is deputed

45.—The commission on sales in execution of a decree shall be paid in the shape of a court-fee The sale commission in the cases of distraint, and all other cash fees, shall be paid into the treasury with as little delay as possible

Commission in sales how and where to be paid.

CHAPTER VIII

Rules, relating to Appeals under the Agra Tenancy Act, III of 1926, the Oudh Rent Act, XXII of 1886, and the United Provinces Land Revenue Act, III of 1901*

*G O no 1075/I A—447 dated the 26th July, 1929

Government notification no 1270/I A—447 1927, dated the 16th August 1928

Memorandum of appeal to Board to be in English

46.—Every memorandum of appeal presented to the Board shall be in English

Contents of memorandum of appeal

47.—Every memorandum of appeal or application shall state—

(*a*) The name and address of each appellant or applicant,

(*b*) the name and address of each person whom it is *proposed to make a respondent,*

(*c*) the court in which and the name of the officer by whom the decree or order objected to was made,

(*d*) the date when such decree or order was made,

(*e*) the names of all the parties to such decree or order, and whether such parties were plaintiffs or defendants, appellants applicants, or respondents in the court in which such decree or order was made,

(*f*) the relief sought by such appeal,

(*g*) the ground or grounds of appeals which shall be numbered *seriatim*, and which shall set forth concisely, *and under distinct heads, the objections to the decree or* order appealed against and

(*h*) the value of the appeal

and shall be signed by the appellant or applicant or by some legal practitioner on his behalf

Grounds of appeal

48 —If in any appeal it is pleaded that there is in fact on the record no evidence or admission to support the decree this shall be so stated in the grounds of appeal, and the material finding in support of which it is contended that there is no evidence or admission shall also be specifically stated

No appeal from an appellate decree presented by an advocate attorney, or vakil, pleader or revenue agent shall be admitted

on any such ground as is in this para referred to unless such advocate, attorney or vakil, pleader or revenue agent certifies under his hand upon the memorandum of appeal that he has examined the record and that, in his opinion, such ground is well founded in fact This certificate may with the permission of the court be filed after the presentation but before the admission of the appeal

Inclusion in the memorandum of appeal of legal representative of deceased party to the decree or order appealed against

49 —Whenever a party to a decree or order desires to appeal therefrom and to make as a respondent to his appeal the legal representative of a person who having been a party to such decree or order has died after the date of such decree or order and who if alive would be a necessary party as respondent to such appeal and whose legal representative has not as such been made a party to the decree or order or to subsequent proceedings thereunder or thereon the party so desiring to appeal may present for admission in the proper court a memorandum of appeal with the name of such legal representative mentioned therein as such as that of a respondent if at the time when he presents such memorandum of appeal for admission he along with such memorandum of appeal presents an application for leave to make such legal representative as such a party as a respondent to his appeal and except as hereinafter provided an affidavit stating such facts as may be necessary in support of his application

Provided always that the presiding officer of the court in which the memorandum of appeal is presented may by an order under his hand, allow in his discretion a reasonable time in that behalf for the presentation of such affidavit if it appears to him that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with the memorandum of appeal

50 —Whenever in any suit or appeal from the decree or order in which an appeal may be preferred a party has before the appealable decree or order in such suit or appeal has been made died and the name of such deceased party appears to be in such decree or order as that of a party thereto and his representative has not been brought up on the record and such deceased party would if alive be a necessary party to an appeal from such decree or order and any party to such decree or order or the legal representative of any such party having a right of appeal from such decree or order desires to appeal from such decree or order and to make the legal representative of such deceased party a party to the appeal he may present for admission in the proper court memorandum of appeal with the name of such legal representative mentioned

therein as a party to the appeal, if at the time when he presents such memorandum of appeal for admission he, along with such memorandum of appeal presents an application for leave to make such legal representative a party to the appeal, and except as hereinafter provided, an affidavit showing that he did not know before the decree or order from which he desires to appeal was made, that such deceased party had died, or that he had no reasonable opportunity of informing the court which made the decree or order, before such decree or order was made, that such deceased party was dead, and stating such other fact as may be necessary in support of his aplication

Provided always that the presiding officer of the court in which the memorandum of appeal is presented may by an order under his hand, allow in his discretion a reasonable time in that behalf for the presentation of such affidavit if it appears to him that the applicant could not, by the exercise of due diligence, have procured such affidavit in time for presentation, along with the memorandum of appeal

51.—Whenever, after a memorandum of appeal has been presented, any appellant or any party interested in the maintenance of any objection filed in the appeal under rule 22 or rule 26, Order XLI of the Code of Civil Procedure, first ascertain that a person whose name appears in the memorandum of appeal as that of a party to the appeal, and who, if alive, would be a necessary party to such an appeal or objection, had died before the memorandum of appeal was presented for admission, such appellant or party so interested as aforesaid may, but subject to the law of limitation, apply for an order that the memorandum of appeal be amended by substituting for the person who had so died as aforesaid his legal representative if at the time when he presents such application, he, along with such application, except as hereinafter provided, presents for filing an affidavit showing that such application is made with all reasonable diligence after the fact of the death of such person first came to the knowledge of such applicant or the agent, if any, acting on his behalf in the litigation :

Provided always that the presiding officer of the court in which the memorandum of appeal is presented may, by an order under his hand, allow in his discretion a reasonable time in that behalf for the presentation of such affidavit, if it appears to him that the applicant could not, by the exercise of due diligence, have procured such affidavit in time for presentation along with the application.

52 —In appeals there shall be filed with the memorandum of appeal copies of the decrees or orders appealed against and *of the judgments passed in the case by all the courts subordinate* to the court to which the memorandum of appeal is presented

Copies to be filed with memorandum of appeal

Special Rules for proceedings under the United Provinces Land Revenue Act III of 1901

53 —The provisions of rules 1 to 4, 6 to 10 15 to 29, 31 to 34, 36 and 37 of Order XLI, Order XLII, and sections 99 and 144 of the Code of Civil Procedure, relating to appeals from decrees shall apply to appeals from orders under the United Provinces Land Revenue Act

Application of certain provisions of the Civil Procedure Code

Provided that in the case of 3rd appeals the memorandum of appeal shall be accompanied by a copy of the decree or order appealed from and also by copies both of the judgment or order on which the said decree or order is founded and of the judgments or orders of all courts subordinate to the court which passed the decree or order appealed from

G O no 66—Rev /I—350, dated the 16th January, 1934 (Serial no 7, File no 584B)

54 —(1) If an appeal has not been rejected summarily under section 216 of the United Provinces Land Revenue Act 1901, the court shall fix a date for hearing the appeal

Fixation of a date for hearing if appeal is not rejected summarily

(2) Such day shall be fixed with reference to the current business of the court the place of residence of the respondent and the time necessary for the service of the notice of appeal so as to allow the respondent sufficient time to appear and answer the appeal on such day

(3) The appellate court shall send notice of the appeal to the court from whose decree the appeal is preferred Such notice may be given in the *requisition for the record

55 —Notice of the day fixed under paragraph 54 shall be affixed in the appellate court house and a like notice shall either be caused to be served by the appellate court itself on the respondent or on his pleader or shall be sent by the appellate court to the court against whose order the appeal is made and that court shall serve it on the respondent or on his pleader in the manner prescribed by section 195 of the United Provinces Land Revenue Act 1901 A like notice shall either be served or shall be caused to be served on the appellant or his pleader

Notice to lower court and requisition for record

56 —The provisions of Order XXII of the Code of Civil Procedure 1908 and articles 176 and 177 of the Indian Limita

*B 1 forms nos 4 75 and 76

tion Act, 1908, shall apply to appeals under the United Provinces Land Revenue Act, 1901, so far as may be

Provided that no appeal in a partition case shall abate merely because of the death of any respondent.

Decree need not be drawn up

57.—Except in cases under sections 42, 79, 87, 89, 100 and 111(1) of the United Provinces Land Revenue Act, 1901, it shall not be necessary to draw up a decree in any other case; but if any order is passed as to costs, the order shall specify what costs are to be paid and by whom.

Form of order or judgment

58.—It shall not be necessary for the Board when confirming an order or decree appealed against to do more than record an order dismissing the appeal and confirming the order or decree of the court against whose order or decree the appeal is made In all other cases the appellate court shall record a judgment in compliance with the requirements of rule 31, Order XLI, of the Civil Procedure Code, but the judgment of the Board need not be dated, signed and pronounced in open court

Special rules for certain settlement appeals

59.—In an appeal against a declaration of assessment the English assessment statement shall be deemed to be the order of which a copy is required to be filed with the memorandum of appeal

60.—Before rejecting summarily an appeal against a declaration of assessment the court shall, unless it appears unnecessary, call upon the officer who made the assessment (if he be still exercising jurisdiction in the district in which the mahal is situate) for a report as to the matters stated in the memorandum of appeal, and before disposing of the appeal shall consider such report, but it shall not be necessary to fix a date for the hearing of the appeal or to give notice to the appellant

61.—Whenever an assessment is modified by an appellate court, and the court which made the assessment is not the Collector, the Collector shall be furnished by the appellate court with a copy of the judgment in appeal

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Instructions relating to Appeals under the Agra Tenancy Act, III of 1926, the Oudh Rent Act, XXII of 1886, and the United Provinces Land Revenue Act, III of 1901

Presentation of appeals

1 Appeals to the Board of Revenue or to Commissioners shall be presented in the manner prescribed in instructions nos 1 and 2 of chapter I

Procedure in returning memorandum of appeal for amendment etc and for proper stamping

2 (1) Whenever an appellate court directs a memorandum of appeal to be returned for amendment, or for the filing within a time fixed by the court, of the copy of any order required to be filed with the same the memorandum shall, if the appellant be not present when the order for return is passed, be sent to him by post, service unpaid, with the order of the court endorsed thereon

(2) Whenever .
on a memoranc
within a time fi
court when it is

3 If an appeal is rejected, and the appellant is not present, *notice of the rejection shall be sent to him or to his pleader by post, service un paid, unless a date has been fixed for his attendance and he has failed to attend The results of appeals decided by the Board shall be affixed on the notice board in their office When the appeal has been heard in any district other than Allahabad, the result shall be affixed on the notice board of the Commissioner's court if the headquarters of the district in which the appeal has been heard is also the headquarters of a division and in other cases, on the notice board of the Collector's court

Notice to be given of rejection of appeal and result of decision to be affixed on notice boards

4 If the court against whose order or decree the appeal is made is not the court which passed the original order or decree in the case such court shall, on receipt from the appellate court of the copy of the order or decree and of the judgment (if any) in appeal, send a copy thereof (through the intermediate court or courts) (if any) to the court which passed the original order or decree in the case

Copy of order to be sent to lower court

5 There shall be maintained in every appellate court a register† of appeals presented and appeals admitted under each Act showing the following particulars

Register of appeals

(1) Serial number of the appeal
(2) Date of presentation
(3) Names of parties
(4) Date of rejection
(5) Date of admission
(6) Date of dismissal for default or non prosecution

(7)	*Ex parte* cases	Date of confirmation
(8)		Date of modification
(9)		Date of reversal
(10)		Date of remand under rule 23 or of reference under rule 25 of Order XLI of the Code of Civil Procedure
(11)	Contested cases	Date of confirmation
(12)		Date of modification
(13)		Date of reversal
(14)		Date of remand under rule 23 or of reference under rule 25 of Order XLI of the Code of Civil Procedure

(15) Whether objection filed under rule 22 or under rule 26 Order XLI of the Code of Civil Procedure
(16) Remarks
(17) Date of consignment to record room.
(18) Record keeper's signature

*B R form no 258
†B R form no 216

CHAPTER IX

PART I

Rules regarding the Payment of Fees to Legal Practitioners and their Training*

*Board's notification no 620/Judl 390 B, dated the 28th June, 1927

Payment of fees to legal practitioners Scale of fees prescribed Revenue Agent to have three quarter fees only

62.—The sums which shall be payable by an unsuccessful party in any suit or proceeding in the revenue courts and officers in these provinces in respect of the fees of his adversary's advocate, pleader, vakil or attorney, shall be calculated at the rates specified in the following schedule If a revenue agent, and not an advocate, pleader, vakil or attorney, has been employed by the said adversary, a deduction of one-fourth part shall be made from the fees calculated as herein directed, and if, though an advocate, pleader, vakil or attorney has been employed, the officer presiding in the revenue court or office be of opinion that his employment was unnecessary, and that it would have sufficed to employ a revenue agent, the fees shall be calculated as for a revenue agent only

Schedule

Fees in cases where value can be exactly defined

In all suits or applications and in all judicial or *quasi* judicial proceedings, in any revenue court or office in respect of which the pecuniary value of the claim can be exactly defined

(*a*) if the amount or value of the claim does not exceed Rs 5 000 at 5 per cent ,

(*b*) if the amount or value exceeds Rs 5 000, and does *not exceed Rs 20 000, on Rs 5,000 at 5 per cent and on* the remainder at 2 per cent ,

(*c*) if the amount or value exceeds Rs 20,000, and does not exceed Rs 50,000, on Rs 20,000 as above, and on the remainder at 1 per cent ,

(*d*) if the amount or value exceeds Rs 50 000, on Rs *50 000* as above, and on the remainder at *½ per cent*

Provided—

(1) that in no case shall the amount of any fee exceed Rs 3,000 ,

(2) that in any suit application or claim in any revenue office of original jurisdiction which is undefended the amount to be paid as the fee of the adversary's pleader, or agent shall be calculated at one half the sum at which it would have been charged had the suit been defended and

(3) that the fee shall not be less than Rs 2 in a contested case and rupee one in an uncontested case

63—In addition to the fee awarded under the preceding paragraph the court may in any case in which it considers that the employment of more than one legal practitioner was necessary and in which both a senior and a junior practitioner have been employed award to the junior a fee not exceeding one third of the amount allowable under the preceding paragraph

64—In cases in respect of which the pecuniary value of the claim cannot be exactly defined as for example in suits for a lease or the counterpart of a lease or for abatement or enhancement of rent or for ejectment or reinstatement or in partition proceedings the presiding officer of the court or office shall having regard to the time occupied in the decision of the case and the nature of the question raised therein fix a reasonable fee

Fees when value cannot be exactly defined

65—In partition cases separate fees shall be allowed to the counsel for each of the following stages—the actual fees to be allowed in each case being fixed under paragraph 64 above

1 All proceedings relating to the grant of the partition application including proceedings under section 111(*c*) of the Land Revenue Act if any

2 All proceedings relating to the framing of the partition proceedings and the disposal of objections thereon

3 All proceedings relating to the preparation of lots and the disposal of objections thereon

66—A pleader or revenue agent receiving a fee under paragraphs 63 and 64 in any suit or proceeding shall carry the suit or proceeding to an end and make all necessary applications in the execution department and a second fee shall not be charged by the courts to the judgment debtor in the execution department unless the decree holder can satisfy the court that it was absolutely necessary to employ another pleader or revenue agent in executing his decree and that the service of the pleader or revenue agent in the matter were indispensable *

Second fee not to be charged in execution department

*The Board have held in reply to a reference that if a power-of-attorney or mukhtarnama is worded accordingly it may be sufficient to enable a pleader or revenue agent to conduct both a suit or proceeding and the subsequent execution proceedings

Fee when case is dismissed

67.—If any suit, application, or claim is dismissed for default, or upon the merits, or is decreed for the defendant, the defendant's pleader or agent's fee shall be calculated on the whole value of the suit

Fee when case is decreed in part

68.—If any suit, application, or claim is decreed for the plaintiff as to part only of his claim, and as to the remainder is dismissed, or decreed for the defendant, the fees allowed to each party's pleader or agent, shall be calculated upon the value of that part of the claim in respect of which he has succeeded

Fee when in a successful suit the full amount of damages claimed is not allowed

69.—If in any suit for damages, under the rent laws, the plaintiff fails to recover the full amount of damages claimed the defendant shall not be entitled to any allowance for a pleader or agent's fee in respect of the difference between the amount of damages claimed and the amount recovered, unless the presiding officer of the court, or office shall be of opinion that the amount claimed for damages was unreasonable or excessive, and shall, for that or any other cause (to be specified) direct that a fee for his pleader, or agent, shall be allowed to the defendant If specially allowed, the amount of such fee shall be calculated upon the amount of damages disallowed to the plaintiff

Fee when the defence is joint or common.

70.—If several defendants who have a joint or common interest succeed upon a joint defence, or upon separate defences substantially the same, not more than one pleader or agent's fee shall be allowed, unless the presiding officer of the court or office shall otherwise order, for reasons which shall be recorded If only one fee be allowed, the presiding officer shall direct to which of the defendants it shall be paid, or shall apportion it among the several defendants in such manner as he shall think fit

Fees when several defendants make separate defence

71.—If several defendants who have separate interests set up separate and distinct defences, and succeed thereon, a fee for one pleader, or agent, for each of the defendants who appear by a separate pleader, or agent, may be allowed in respect of his separate interest Such fee, if allowed, shall be calculated upon the value of the separate interest of such defendant

Fee in miscellaneous proceedings

72.—The amount in respect of the fee of an adversary's pleader or agent, when allowed in any miscellaneous proceeding, or for any other matter than that of appearing, acting or pleading in a suit, application, or other judicial or *quasi-judicial* proceeding, prior to decree, shall be fixed by the

presiding officer of the court or office according to the following scale viz

In proceedings before the Board of Revenue or in the court or office of a Commissioner of Revenue Rs 10 to Rs 80
In the court or office of a Collector of the district Rs 4 to Rs 16

In the court or office of any Assistant Collector or tahsildar Re 1 to Rs 10

Fee in revivals or rehearing

73—In proceeding for or consequent upon the revival or re hearing of suit the legal practitioner s fee if allowed to the successful party shall be fixed by the presiding officer of the court or office at an amount which shall not exceed one half of the amount that would have been allowed by these rules in case of an original decree The fee allowed in respect of the revival or re hearing will be irrespective of any fee which may be included in any cost in respect of the original suit or proceeding which may be adjudged to the successful party by the judgment or order in review

Fee in appeals

74—The amount to be allowed on account of the fees of an adversary s legal practitioner in an appeal shall be calculated on the same scale as in original suits and the principles of the above rules as to original suits shall be applied as nearly as may be to appeals

Fee in case of joint appellants

75—When the interest of several appellants is joined not more than one legal practictioner s fee shall be allowed unless the presiding officer of the court or office shall otherwise order, for a reason to be recorded If one fee only be allowed the presiding officer of the court or office shall direct to which of the appellants it shall be paid or shall apportion it amongst the several appellants in such proportions as he shall think fit

Fee in case of several respondents

76—If several respondents in one appeal appear by separate pleaders or agents in determining whether several pleaders or agents fees shall be allowed the presiding officer of the court or office shall be guided by the principles laid down in paragraphs 70 and 71

Discretionary powers as to payment of fees

77—Notwithstanding anything contained in the preceding paragraphs the presiding officer of the court or office may in any case for special reason to be recorded in the judgment award a higher or a lower fee than that prescribed in those rules

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*1 and s notification no 4\3 II—5 B dated the 2nd July 1915 as amended by no 49 II—5?B dated the 24th July 1918

Training of legal practitioners excluding Revenue Agents

78 —Every legal practitioner excluding revenue agents, after being enrolled shall unless specially exempted by the High Court before commencing to practise on his own account in any revenue court subordinate to the Board of Revenue furnish to the High Court a certificate in writing by a senior practitioner whose name is enrolled in a list drawn up by a District Judge and approved by the High Court or by practitioner of the High Court of not less than ten years standing that he has read with such senior for six months and that he has attended regularly in court and chambers with his senior and has worked deligently

Provided that nothing in this rule shall apply to a Barrister who has furnished a certificate that he has read in chambers as provided for in rule 1 of Chapter XV of the Rules of the High Court of Judicature of 18th January 1898

79 —The pupil may choose the senior with whom he desires to read provided that no senior shall have more than four pupils at any time unless for some exceptional reason approved by the High Court the District Judge authorizes him to have more

80 —No senior shall demand a higher fee than Rs 300 for the aforesaid six months tuition

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PART II

Rules relating to Revenue Agents

Only duly qualified person to practise as revenue agent

81 —No person shall practise as a revenue agent in any revenue court in the United Provinces unless he shall have been admitted and enrolled and shall be otherwise duly qualified to practise as a revenue agent under the provisions of Act XVIII of 1879 (or of Act XX of 1865) and of these rules or in Oudh of the rules formerly in force * and unless he shall continue to be so qualified and enrolled at the time of his so practising as aforesaid

*Government notification Revenue department no 127R of 1880

Issue and renewal of certificates

82 —Every certificate issued to a revenue agent, when renewed at the end of the calendar year as provided by section 18 of the said Act shall be issued and signed by the court in which the revenue agent was originally enrolled and every such renewal shall be forthwith notified by the said court to the Board of Revenue of the United Provinces

83 —In notifying the renewal of a certificate if the name of the revenue agent has been entered in the book prescribed by paragraph 85 Part III of this chapter it is sufficient to report his name and his serial number in that book together

with the father's name if there is more than one revenue agent of the same name

84.—Any report made to the High Court under section 14 by a revenue officer in respect of the unprofessional conduct of a pleader shall be made through the Collector of the district and the Commissioner of the division to whom the revenue officer is subordinate

Report as to unprofessional conduct of pleader

PART III*

Special Rules in the Province [illegible] Admission, and Enrolment of [illegible] courts subordinate to the Board [illegible] clauses (a) and (c), Act XVIII of 1879

85.—Any person duly qualified under the provisions of Act XVIII of 1879, and of these rules may apply to be enrolled as a revenue agent in the court in which he ordinarily desires to practise within the province of Agra The court to which such application is made shall enter in a book to be kept for that purpose particulars of his name his age, his father's name, his residence and the date of his admission, and shall thereupon notify the facts of such enrolment and its serial number in the book to the Board of Revenue

Provided that notwithstanding anything contained in these rules the following persons shall be declared to be revenue agents in the Kumaun division namely

1	Thakur Harash Singh	Naini Tal District
2	Thakur Udai Singh	Ditto
3	Munshi Maula Bux	Ditto
4	Pandit Keshab Datt Joshi	Ditto
5	Pandit Gobardhan	Ditto
6	Munshi Niaz ud din	Ditto
7	Pandit Nand Kishore	Ditto
8	Munshi Abdul Karim	Ditto
9	Pandit Mathura Datt	Ditto
10	Munshi Abdul Lateef	Ditto
11	Pandit Brijnandan Prasad	Ditto
12	Pandit Shib Datt Pande	Almora District
13	Pandit Jwala Datt Joshi	Ditto
14	Pandit Lakshmi Datt Pande	Ditto
15	Pandit Narottam Mathpal	Ditto
16	Pandit Govind Ram Pand	Ditto
17	Pandit Chandra Shekhar	Garhwal District
18	Munshi Akhal Singh Negi	Ditto
19	Munshi Kalam Singh	Ditto
20	Munshi Lachman Singh	Ditto
21	Pandit Tara Datt	Ditto

22	Pandit Mathura Datt	Garhwal District
23	Pandit Gopal Datt	Ditto
24	Pandit Rudra Datt	Ditto
25	Thakur Kunwar Singh	Ditto
26	Ram Ratan	Ditto
27	Kirti Ballabh Joshi	Ditto

Provided further that such persons holding a certificate written on stamped paper of the value of five rupees shall be competent to appear plead and act in the revenue courts of sub divisional officers and tahsildars in the Kumaun division

86 —Every revenue agent enrolled as aforesaid shall receive a certificate on a printed stamp provided by such revenue agent at the time of application for enrolment and forwarded by the court with the notification of such enrolment to the Board of Revenue and such certificate shall be issued and signed by a Secretary or the Registrar to the Board of Revenue

Courts in which revenue agents may practise

87 —Revenue agents duly admitted and enrolled as aforesaid may (subject to the conditions of their certificates as to the class of courts in which they are authorized to practise) appear and act in any revenue court provided they shall not appear plead or act in the High Court

Practice before the Board of Revenue

88 —A revenue agent applying to be authorized to practise before the Board of Revenue shall be required to produce a certificate signed by the Collector of the district in which he has ordinarily practised—(a) that he has for a period of not less than two years *bona fide* practised in one or more of the courts subordinate to the Board of Revenue and (b) that he is able to argue cases intelligently in English

Provided that for good and sufficient reason appearing to the Board they may relax this rule in any particular case or cases

When application for admission may be refused

89 —If an applicant for admission as a revenue agent hold any appointment under Government or carry on any trade or business the Board of Revenue may refuse to admit him or pass such orders on his application as it thinks proper

When revenue agent may be suspended from practice

90 —Any person who having been admitted as a revenue agent shall accept any appointment under Government or shall enter into any trade or other business shall give notice thereof to the Board of Revenue which may thereupon suspend such revenue agent from practice or pass such orders as the said Board may think fit Such revenue agent shall give notice through the Collector of the district in which he ordinarily practises

CHAPTER X

Miscellaneous Rules affecting the Procedure of Revenue Courts*

*G O no 1119/I A—159/1928, dated the 20th July, 1928, (serial no 169/384 B)

No 6 dated the 31st March, 1933

91.—All pleadings, applications and petitions of whatsoever nature filed in the course of proceedings in the revenue courts shall be written on Government water marked paper.

G O no 187/I—37, dated the 16th February, 1933

G O no 502/I—267 dated the 1st March 1935 (Revenue department)

91A.—(i) The provisions of rules 4 to 6 and 8 to 10 inclusive, Order XVIII, Code of Civil Procedure, V of 1908, shall apply to all proceedings of a judicial nature under the United Provinces Land Revenue Act, III of 1901

(ii) In all proceedings of a judicial nature judgments and final orders should invariably be written or typed in English by the presiding officer of the court if he knows that language sufficiently well otherwise they should be written in the language of the Court

(iii) In all proceedings the language in the courts of the Board of Revenue and of the Commissioners of Divisions shall be English and all applications and proceedings in the said courts should be written in the English language

G O no 1076/I A—159, dated the 27th July, 1929.

(iv) In all proceedings under the Agra Tenancy Act, III of 1926 and the Oudh Rent Act XXII of 1886, judgments and final orders should invariably be written or typed in English by the presiding officer of the court if he knows that language sufficiently well otherwise they should be written in the language of the Court

*B R forms nos 236 238 and 239

Preparation of a decree

*G O no 2437/I—159, dated the 7th November, 1933 (serial no 10 Judl —571 B)

91B—(1) A decree shall be prepared in one or other of the prescribed* forms in the following cases

In all suits under the Tenancy Act III of 1926 or the Oudh Rent Act XXII of 1886 (as amended by subsequent Acts) where there is a final adjudication on issues In other cases a formal order should be drawn up which should either form part of the judgment or be separately recorded on the order sheet

In cases under section 139(7) of the Tenancy Act in which the order has the effect of a decree for arrears of rent—

(1) under section 18(5) where the court awards damages to the applicant

(2) under sections 40(2) and 41(3) where the Collector awards monetary compensation to the tenant,

(3) under section 120(1) (c) where the court determines the amount of compensation due to the tenant

Under the Land Revenue Act in cases—

under section 42, determination of class of tenure,

under sections 79 and 100, determination of under-proprietary rents,

under section 87, enhancement, abatement and determination of rent,

under section 88, commutation of rent,

under section 111(1), determination of questions of title in partition cases

†B R form no 239

Preparation of a formal order

(2) A formal order in the prescribed form† shall be prepared in all applications in which the order is appealable to the High Court of Judicature at Allahabad or the Chief Court, Lucknow

(3) The preparation of a decree or formal order, part from the order or judgment recorded by the court, is not required in any but the cases above specified But the order or judgment should in all cases state clearly the determination of the case the costs incurred, and the parties by whom the costs are to be paid and if costs are awarded a memorandum of costs in the prescribed form‡ should be drawn up

‡B R from no 260

(4) In all decrees passed by revenue courts a fee equal to one eighth of the amount of process fees realized under articles 1 and 2 of the table of fees given in rule 39 Chapter VII, Part I of the Revenue Court Manual shall be entered as the fee chargeable by one party against another for costs of drawing up summonses/notices

G O no 2015/1—117, dated the 24th August, 1935 Serial no 8, file no 630B

(5) When a suit, appeal, or other proceeding, a party is only partly successful and costs are ordered to be paid in proportion to the success of the party in such suit, appeal, or other proceeding the amount of all taxable costs shall be proportionately reduced

(6) In all decrees of revenue courts the following sums shall be taxed as costs for drawing up a plaint a written statement or a rejoinder in case it has been written by a petition writer

	Rs	a	p
I Where the valuation of a suit does not exceed Rs 50	0	4	0
II Where the valuation of a suit exceeds Rs 50 but not Rs 250	0	8	0
III Where the valuation of a suit exceeds Rs 250	1	0	0

	Rs a p
IV Every other suit where it is not possible to estimate at a money value the subject matter in dispute	0 8 0

92 —(1) Save as hereinafter provided travelling and other expenses shall be allowed on the following scale

Remuneration of witnesses

(a) to witnesses of the class of cultivators labourers and menials six annas a day

(b) to witnesses of a better class such as zamindars traders pleaders and persons of corresponding rank from eight annas to two rupees a day as the court may direct and

(c) to witnesses of superior rank including officers of Government in receipt of a salary of not less than two hundred rupees a month from three to five rupees a day

Notifications nos 1062/I—375F, and 214/II—815 1904 dated the 12th April 1902 and 24th March 1904 respectively *Gazette* of 19th April 1902 page 50 and of 26th March 1904 page 626

(2) If a witness be detained for a longer period than one day the expenses of his detention shall be allowed at such rate not usually exceeding that payable under paragraph 92(1) as may seem to the court to be reasonable and proper

Expenses for detention of a witness

(3) If a witness demand any sum in excess of what has been paid to him such sum shall be allowed if he satisfy the court that he has actually and necessarily incurred the additional expense

(4) The court may for reasons to be recorded in writing allow expenses on a higher scale than that hereinbefore prescribed

Illustration— A post office employee shall be allowed the travelling and other expenses allowed to witnesses of the class or rank to which he belongs together with the sum which as certified by his official superior he is liable to pay for the employment of a substitute entertained during his absence from duty

93 —In cases under the Land Revenue Act costs between party and party shall be recovered in the same manner in Agra as sums decreed under the Tenancy Act III of 1926 and in Oudh in the same manner as under the Rent Act XXII of 1886 as amended by subsequent Acts including the Oudh Rent (Amendment) Act V of 1926

G O no 2310/I—927 1905 dated the 19th July 1906

Recovery of between party party

G O no 1803/I—159, dated the 4th September, 1934 (S no 336/384B) Application of certain provisions of Civil Procedure Code to the proceedings under the Land Revenue Act

94.—The provisions of Order XXXII of the Code of Civil Procedure, 1908, shall apply to all proceedings under the Land Revenue Act, other than proceedings under Chapter VII of the Act, except that they shall also apply to proceedings under section 111, sub section (3), in Chapter VII of the Act.

Instructions relating to Miscellaneous Rules, affecting the Procedure of Revenue Courts

Form, of application petition, etc

1 Every sheet of application, petition, process, notice, order or proceeding in or relating to a suit from the institution of the suit down to the final execution of the decree shall bear on the left hand centre portion of each paper (obverse side)

(1) the name of the court in which the original suit was instituted,

(2) the register number and the year of the original suit, and

(3) the names of the parties to the suit

Mode of presenting applications

2 Except as provided by instruction no 28 every application to a court shall be presented by the party in person, his recognized agent, or his counsel, pleader vakil, or revenue agent, it shall not be received from any other persons nor through the post The name of the person who presents the application as well as the date shall be written on it

Papers filed to be written on durable paper

3 All papers (not exhibits) intended to be filed by parties in court shall be written on Government water marked paper, a quarter margin together with one inch of space at the top and bottom of each sheet being left for binding

To suitor to file a power of attorney when acting for another suitor

4 When any suitor appears pleads or acts in any suit or proceeding on behalf of any co suitor (Order I, rule 12 Code of Civil Procedure) care should be taken that a duly stamped power of attorney is filed on behalf of the suitor authorizing him to act for the absentee

Government notification no 2727/I A—143-1924, dated the 1st July, 1924 (serial no 6/313B Judl)

5 A legal practitioner when unable personally to attend to a case in which he is briefed may hand over the brief to another legal practitioner without the latter filing a vakalatnama or mukhtarnama and the fees to whomsoever paid shall if duly certified be taxable costs

Plaints

6 When a plaint is received and before the defendant is summoned, the following points should be carefully observed

(1) whether it is properly stamped,

(2) whether the facts stated, if proved or admitted, disclose a cause of action

(3) whether the suit appears from the statement in the plaint to be barred by any positive rule of law,

(4) whether the plaint is so drawn up as to dispose finally of the matter in dispute and prevent further litigation,

(5) whether the parties are all on the record and properly arranged,

(6) whether the plaint contains superfluous matter or is otherwise prolix, and

(7) whether the provisions of Order VII, rules 9, 14, 15 and 17 Code of Civil Procedure have been duly observed

Striking out or adding parties

7 The court should be careful to carry out, wherever necessary, the provisions of Order I rule 10(2) of the Code of Civil Procedure, which confer the power of striking out or adding parties, for a neglect of these provisions may leave room for further litigation

Forms of oath

8 The following forms for oaths and affirmations are prescribed by the High Court under section 7 of the Indian Oaths Act, 1873

Oath for witness

The evidence which I shall give to the court shall be the truth, the whole truth, and nothing but the truth. So help me God

Affirmation for witness

I solemnly affirm that the evidence which I shall give to the court shall be the truth, the whole truth, and nothing but the truth!

Oaths for person making an affidavit

I swear that this my declaration is true, that it conceals nothing, and that no part of it is false So help me God!

Affirmation for person making an affidavit

I solemnly affirm that this my declaration is true, that it conceals nothing, and that no part of it is false!

Written statements

9 Written statements are required by law (Order VI, rule 2, Code of Civil Procedure) to be as brief as the nature of the case admits, they should not be argumentative, but should be confined as much as possible to a single narrative of the facts, which the party presenting the written statement believes to be material to the case, and which he believes he will be able to prove Every written statement must be divided into paragraphs numbered consecutively, and each paragraph must contain, as nearly as may be, a separate allegation No written statement which does not fulfil these conditions should be accepted, but the court should proceed in accordance with Order VI rule 16 Code of Civil Procedure

Examination of parties.

10 The attention of courts is invited to the provisions of Order III, rule 1 (proviso), Order V, rules 3 and 4, and Order X of the Code of Civil Procedure The mere fact that either party has put in a written statement is no sufficient reason for not examining him personally as to facts within his knowledge At the same time the personal appearance of plaintiff or defendant should not be insisted on when there is reason to believe that he is not personally acquainted with material facts, and in each case the court must determine for itself, upon the allegations in the plaint, whether the attendance in person of either plaintiff or defendant at the next hearing can be dispensed with

11 After carefully examining the plaint *ex parte*, and, if necessary, after amending it and accepting it as complete and satisfactory, the court shall at the first hearing, under Order X, rule 1, Code of Civil Procedure, [illegible] her he admits or denies each [illegible] generally be found a good [illegible] ind numbering every material [illegible] plaintiff's written statement (if any) This procedure simplifies the case and will often be found of great assistance to the court at subsequent hearings

12 The statement of the defendant or his pleader, shall be recorded in numbered paragraphs, each paragraph directly admitting or denying the corresponding allegation of fact made by the plaintiff

13 The defendant's additional pleas or defence, whether stated verbally or contained in his written statement shall also be recorded in paragraphs each material allegation forming the subject of a separate paragraph and each paragraph having its own serial number

14 The plaintiff shall then be again examined each paragraph of his statement bearing the same number as the paragraph in the defence to which it refers

Issues
G O no 1347/I—55, dated the 25th July, 1916 (serial no. 4(929 A))

15 Each issue should be single material and certain in its quality In practice the issues are often carelessly or incorrectly fixed and it is not uncommon to find such issues as "What is in the *wajib ul-arz* and how will that affect the plaintiff's claim?"—"Are plaintiff and defendant at enmity?"—"Should the plaintiff have a decree for rent profits if so for how much?"—"What decision has been passed by the civil court regarding this land?"—or "Should the profits be calculated upon actual collections or upon gross

rental? This last issue is wrong in that it assumes that if the actual collections are rejected the calculation can only be upon the gross rental which does not necessarily follow [*vide* section 226(2) of the Agra Tenancy Act 1926]

16 Each issue should be clearly marked as one of fact or of law and the party on whom lies the burden of proof should be stated Mixed issues of law and fact should be carefully avoided

17 In fixing an issue of fact the most precise accurate and specific language should be used regarding time place persons things and circumstances whenever material In fixing an issue of law the language shall be accurate technical and precise so that the issue may be capable of being understood and answered without further explanation by one learned in the law e g the issue Is plaintiff s title superior to defendants? is incapable of being understood or answered but the issue Under the Hindu law of inheritance does a brother exclude a brother s son? which refers directly to the law in question is not open to this objection

Adjournment

18 The attention of all courts is drawn to the necessity of strict compliance with the proviso to Order XVII rule 1 The fact that another case or other cases are fixed for the following day is not a sufficient reason for adjournment of a suit before all the witnesses in attendance have been examined

The adjournment of a case on two consecutive occasions for want of time is a hardship to the parties and witnesses which can only be justified by very cogent reasons

The presiding officer of a court should frame the cause list himself and put down cases with due regard to their complexity He may occasionally reserve a day for clearing off arrears

19 In dealing with applications for adjournments courts shall be guided by the following instructions

(1) A date for hearing once fixed shall so far as is practicable be strictly adhered to and no adjournment granted except for good cause In no case when one of the parties is ready to proceed should an adjournment be granted at the request of the opposite party except on condition that a sum commensurate with the costs which in the opinion of the court the party ready to proceed will have to incur owing to the adjournment be paid as and when directed by the court to the party ready to proceed and be his costs in any event In all cases when an adjournment is granted the court shall record a proceeding stating his reasons for granting the adjournment and such proceeding shall be filed with the record

(2) The mere fact that a party is through carelessness or negligence, not ready to go on with a suit is not in itself good cause for adjournment

(3) The rules regarding the filing of documents and exhibits should be strictly observed and parties have no right to ask for adjournments in order to obtain copies of documents if by the exercise of diligence they could have procured them in time

(4) A hearing should not be adjourned to call for a written report from an officer of the court unless such report be absolutely necessary

Particulars to be entered in the order sheet

20 The order *sheet (paragraph 1202 Revenue Manual) shall contain a note of every order made in the suit or case and shall show the date of and the proceedings at every hearing It shall show amongst other matters the dates on which the plaint and written statement were filed issues were recorded or amended witnesses examined and the names of such witnesses of the delivery of judgment of the signing of the decree and of any application for review of judgment or amendment of the decree It shall also contain a note of every proceeding such as the reading of the

*R D form no 322

deposition of a witness examined by commission, the reading of a commissioner's report, and of the fact of any objection being made thereto and if witnesses are in attendance when a case is adjourned, the fact shall be noted

An order the reasons for which require to be recorded at length shall not be written on the order sheet, but a note of the order and of the date on which it was made shall be entered in it There shall be a separate entry in the order sheet for each distinct order or event Each separate entry shall bear a serial number and where such entry is a reference to a record appearing elsewhere on the file, its serial number shall be noted on such record

Order fixing dates or adjourned dates for hearing or directing anything to be done by the parties or their pleaders whether recorded in the order sheet or elsewhere shall be signed then and there by the parties or their pleaders

Every order on the order sheet shall be written by the presiding officer or by an officer of *the court under his superintendence, and shall be signed* by the presiding officer

21 (1) In any case in which the effect of the order or decree passed involves a change in the patwari's records other than one which involves a change in the *khewats* for which provision is made in rules 191 to 197 inclusive of Revenue Court Manual the court shall draw up a separate order in the prescribed form (B R no 250) giving full details of the entries to be made and the entries to be expunged and direct the tahsildar to have the new entries recorded in the patwari's papers

G O. no. 2564 I—159, dated the 25th November 1933 (Sl no 2 Judl, 592 B).

(2) The same rule applies to all appellate courts who when transmitting to the lower court a copy of the order passed in appeal shall attach thereto the order in the prescribed form to which effect is intended to be given provided that when the appellate court merely cancels without altering the order passed by the lower court it shall be sufficient to give the number and date of the order of the lower court which is cancelled This order in the prescribed form will be forwarded to the tahsildar by the ahlmad of the original court for necessary action as regards the records

(3) To *facilitate the communication to tahsildars of the orders referred to* in (1) and (2) a form (B R no 250) has been prescribed An entry to the effect that the form duly filled in has been despatched to the tahsildar or lower court, as the case may be shall be made by the ahlmad or other officer of the court on the order sheet and the file will not be consigned to the record room till this form has been returned by the tahsildar with a note that the order contained therein has been communicated to the supervisor qanungo concerned and that he has noted the order for necessary action in his guard book

22 The *following instructions shall be observed as to the issue of commissions* under Order XXVI rule 9 of Act V of 1908

Commission for local enquiry

(1) The responsibility of ordering an inquiry under Order XXVI rule 9 rests with the court before which the suit is pending Such court may order such inquiry when it deems a local investigation to be necessary or proper for the purpose of elucidating the matters in dispute or of ascertaining the amount of any mesne profits or damages or annual net profits The court is therefore to consider when it is moved to order any such inquiry whether the nature of the case calls for that particular mode of inquiry whether *the application has been made* at a proper stage of the proceedings whether the importance of the case warrants the expense of a commission being incurred and whether such inquiry may not be attended with a delay which will counterbalance the advantages to be derived from it

(2) If the inquiry is ordered it is necessary to define the points on which the report of the Commissioner is required and those points ought usually to be excluded which can conveniently and ought to be substantiated by the parties by evidence at the trial

*B R form no 250

(3) A date should then be fixed for making the return and it should be so fixed that the Commissioner can reasonably be expected to comply promptly with the order It is the duty of the court which issued the commission to take care that no improper delay occurs in executing commissions

G O no 576/VIII—551 B dated the 21st July, 1893

Exemption of persons belonging to the army from arrest for debt

23 At the instance of the Government the attention of all revenue courts is invited to clause (b) Part III of the Indian Articles of War (Act V of 1869) which prohibits the arrest for debt by order of any court of law of all persons arrested under the Act and still belonging to His Majesty's Indian Army It also prohibits the seizure of the arms, horse, clothes equipments regimental accoutrements and necessaries of any such person and the attachment of any part of his pay and allowances in satisfaction of any decree against him or any person whom he may represent

Registered clerks of practising laywers

24 Revenue courts shall allow the registered clerks of lawyers practising before them—

(1) to present—

(a) applications signed by their employers for—

(i) copies,
(ii) return of documents
(iii) repayment of deposits
(iv) inspection of records

(b) all applications similarly signed of a routine nature

(2) to take delivery of copies
(3) to tender money
(4) to identify persons verifying affidavits
(5) to take notes from cause lists

25 All practising lawyers who wish their clerks to do all or any of the above acts shall register them with the presiding officer of the court giving their full names parentage castes and addresses These shall be entered in a register to be kept by the court

26 In the case of courts subordinate to the Collector situated at the headquarters of a district or tahsil the clerks need only be registered in the court of the Collector or tahsildar respectively whose register and all subsequent changes made therein shall be circulated to all such revenue courts at the district or tahsil headquarters for their information

27 All changes in their registered staff shall be duly notified by practising lawyers All changes duly notified shall be entered in the registers

28 No unregistered clerk shall be allowed to act on behalf of his employer in any revenue court

29 The presiding officer of any court may remove from the register the name of any clerk who is guilty of any misconduct such as to unfit him for the exercise of his duties as clerk or is convicted of any offence involving moral turpitude

Provided that presiding officers subordinate to the Collector shall exercise this power subject to the control to the Collector

30 Clerks shall not be allowed to inspect records

31 No restriction can be placed on legal practitioners as to the persons whom they may employ as clerks but the presiding officer may in the exercise of his discretion refuse to register a person whose name has been struck off for misconduct, or who has been convicted of any offence involving moral turpitude

Government notification no 340/I—385 dated the 6th February, 1922 (serial no 12/172 B)

In the case of officers subordinate to the Collector this discretion shall be exercised subject to the control of the Collector

PART II

Special Rules of Procedure under the Agra Tenancy Act, 1926, and the Oudh Rent Act, 1886

AGRA TENANCY ACT, 1926, AND OUDH RENT ACT, 1886

CHAPTER XI

Instructions regarding the Procedure to be followed on the Conferment of Occupancy Rights under section 17 of the Agra Tenancy Act, 1926*

*G O no 7 I A 200 1927, dated the 15th May 1928 Serial no 404 B

Report of the conferment of occupancy right—Whenever the patwari of the village or any other revenue officer finds that a right of occupancy has been conferred under the provisions of section 17 of the Agra Tenancy Act, 1926 but has not been recorded he shall report the fact to the assistant collector in charge of the sub division His report shall be submitted in writing to the Supervisor Qanungo when the latter next visits his circle or to the Registrar Qanungo when he visits the tahsil to take his pay The patwari's report shall be accompanied by an attested extract of the entries in the latest khatauni and shall be forwarded by the Supervisor Qanungo or the Registrar Qanungo as the case may be to the assistant collector through the tahsildar

On receipt of such report the assistant collector shall send for the person on whom occupancy rights have been conferred and verify the report and if necessary proceed in the manner laid down in section 18 of the Act

2 *Recording the occupancy right*—When orders have been passed by the Court for the record of a right of occupancy the file shall be made over to the Registrar Qanungo of the tahsil who shall be responsible for the necessary entries being made in the patwari's papers and the fact that the entry required by this rule has been duly made shall be noted in the record of the case before it is despatched for consignment to the record room

Memorandum*

*G O no 29 C/I A —531/1926, dated the 1st August 1928

THE purpose for which these rules have been framed is to substitute for the present method of ascertaining the prevailing rates of rent—a system which is at the same time simpler framed on broader lines and likely to give more accurate results Under the Act local inspection is necessary in order to ascertain the rates generally payable by different classes of tenants These rules prescribe that before a local inspection is made a preliminary statistical inquiry should be undertaken in order to ascertain the rates which *prima facie* may be accepted from the material available in the revenue registers to indicate the rates which at inspection will be found to be generally payable The *prima facie* prevailing rates which the preliminary statistical inquiry will disclose cannot be used as the rates generally payable unless they are found at local inspection to be in fact the rates generally payable But they will be a valuable guide for inspection and will make it possible for the inspection to be conducted on broad and intelligent lines instead of by the haphazard field to field method which has previously been in use

CHAPTER XII

Rules regarding the Enhancement of Rent under the Agra Tenancy or the Oudh Rent Act*

*(G O no 715/ I A —531-1926, dated the 2nd May, 1928, (serial no 14/ 391 B)

PART I

Rules of procedure under section 59(4) *of the Agra Tenancy Act, III of* 1926, *and under section* 51G(2) *of the Oudh Rent Act, XXII of* 1886

Procedure for determining fair and equitable rates of rent

95.—In every suit or proceeding to which section 59, sub section (4) of the Agra Tenancy Act, III of 1926, or section 51G(2) of the Oudh Rent Act, XXII of 1886, applies the procedure for determining the fair and equitable rates of rent for land of the same class or classes of soil shall be as follows

Statement to be prepared in the prescribed form

1 A statement in the form prescribed in the appendix to these rules shall be prepared for the assessment circle in which the land in suit is situated For part A of the statement the figures shall be taken from the latest completed khatauni In part B the incidence of the valuation of the occupancy area at settlement at circle or modified village rates will in general be ascertainable from the aggregate assessment statement of the circle In case the aggregate assessment statement of the circle is not available the incidence for the circle can be calculated by entering the necessary figures from the assessment statement of each village or mahal in the same form as in part A and totalling them Similarly the incidence of the valuation of non-occupancy (or statutory) land at settlement at circle or modified rates shall be ascertained and entered in the prescribed statement

2 The soil classification and the soil ratios of the settlement rates of the last settlement shall be accepted for the purpose of preparing the prescribed statement

Prima facie prevailing rates

3 The percentage of increase in the rental incidence of the occupancy and statutory holdings shown in the latest khatauni over the incidence of the valuation at settlement rates having been ascertained that percentage as shown in lines C and F of part B of the prescribed form shall be added to the circle rates of settlement The rates thus arrived at shall be called the *prima facie* prevailing rates of the circle "

4. If in the case of any village the circle rates were modified at the last settlement and village rates determined the "*prima facie* prevailing rates of the circle" shall also be modified for that village in the same proportion and the modified rates shall be called the "*prima facie* prevailing village rates" for that village.

Local inspection

5 The court shall then make a local inspection. Ordinarily the inspection shall be confined to the village or villages for which suits have been instituted, but if necessary the court may inspect other representative villages in the circle for the purpose of arriving at a rateable basis for comparison

6 The court shall during the course of inspection determine whether there are reasonable grounds for revising the settlement soil classification, and in case there have been changes, such as extension of irrigation or physical deterioration since the last settlement which make the revision of the soil classification necessary, the court shall revise it either for the fields in suit, if they are few, or for the whole village, if that is more convenient

7 For the purpose of revising the soil classification the courts shall make a detailed inspection In other cases a detailed inspection of every field in suit shall not be necessary The court shall, however, pay special attention to land which either the plaintiff or the defendant alleges to have undergone a change in productivity since the last settlement

8 During the course of inspection the court shall also check the soil ratios of the settlement rates to ascertain whether they still hold good

Determination of the rates generally payable by tenants

9 Finally the court shall check the correctness of the "*prima facie* prevailing rates both of the assessment circle generally and of the village in which suits have been instituted by comparing them with rates actually quoted and found to prevail in the village in question and in other villages inspected The court shall then determine the rate generally *payable by tenants for land of the same class or classes of soil* within the meaning of section 59(1) of the Agra Tenancy Act, III of 1926, or section 51G(2) of the Oudh Rent Act, XXII of 1886, as the case may be

Inspection note

10 For each village inspected the court shall record an inspection note containing the following particulars

(i) The *prima facie* prevailing rates of the assessment circle,

(ii) the condition of the village found to exist at inspection;

(*d*) that your statutory period will not have expired on the 15th day of May next following,

(*e*) that the notice has not been served in the manner required by the Act;

(*f*) that where the enhancement claimed is on account of an improvement the amount claimed is excessive,

(*g*) that you are a person who succeeded as an heir of a statutory tenant under section 48, and that the statutory period of the deceased tenant will not have expired on the 15th day of May next following

If you have any claim for compensation for improvements on the holding you should file with your plaint a statement of the claim and of the grounds on which it is based

Section 4 when service of notice should be refused

99.—The tahsildar or other prescribed officer shall refuse to serve the notice if it is not in conformity with the terms of section 41 of the Act, or if the costs of process are not paid at the time the application is made, or when the notice is one under section 40(1), whereby enhancement is claimed on account of the expiration of the period of tenancy, if the last year of the tenancy, as specified in clause (*d*) of the application presented under para 96, has not commenced

APPENDIX —*Prescribed form, vide paragraph* 95 *of the rules under section* 59(4) *of the Agra Tenancy Act*, 1926.

Part A

Assessment circle	Village	Total occupancy area of the last year for which figures are available	Total occupancy rental of the last year for which figures are available	Occupancy incidence of the last year for which figures are available	Total statutory area of the last year for which figures are available	Total statutory rental of the last year for which figures are available	Statutory incidence of the last year for which figures are available
1	2	3	4	5	6	7	8
	(*a*) .						
	(*b*)						
	(*c*)						
	And so on						
	Total .						

Part B	Assessment circle
	(a) Occupancy incidence of the last year for which figures are available (column 5 of Part A)
	(b) Incidence of valuation at settlement at circle or modified rates
	(c) Percentage of increase of (a) over (b).
	(d) Statutory incidence of the last year for which figures are available (column 8 of Part A)
	(e) Incidence of valuation of non occupancy (or statutory) at settlement at circle or modified rates
	(f) Percentage of increase of (d) over (e) . . ..

Instructions relating to Procedure under section 59(4) of the Agra Tenancy Act, III of 1926 and section 51G(2) of the Oudh Rent Act, XXII of 1886

1. All suits for enhancement, abatement and commutation of rent relating to the villages in one assessment circle should be dealt with at the same time for the purpose of determining the fair and equitable rates of rent within the meaning of section 59(4) of the Agra Tenancy Act, 1926, or section 51G(2) of the Oudh Rent Act, XXII of 1886

All suits relating to villages in one circle to be dealt with at the same time.

2 (a) The same officer should—

(i) be in charge of proceedings to ascertain the prima facie prevailing rates,

(ii) make the local inspection and record the inspection note and

(iii) decide the suits

All proceedings to be undertaken by the same officer.

His work should during the preliminary statistical examination and the inspection, be carefully controlled and supervised by the district officer

(b) In case of leave, transfer, death, etc, of an officer the provisions of rule 15 of Order XVIII of the first Schedule of the Code of Civil Procedure, 1908, will apply

CHAPTER XIII

Rules for the Guidance of Special Officers appointed to propose Rates and to prepare Records under sections 57 and 58 of the Agra Tenancy Act and sections 51D and 51E, Oudh Rent Act

(A) Roster operations in non permanently settled tracts

G O no 938/1A 84 dated the 25th June 1931 G O [illegible] 1A—84, 6th [illegible] 1931.

1. In all non permanently settled tracts roster operations must be regarded as supplementary to the latest settlement operations and must be confined to the simplest procedure which will enable the Roster Officer to [illegible] nts since settlement and to revise and bring up [illegible] rates then fixed. The elaborate procedure and [illegible] these tracts out of place and needlessly expen[illegible] tracts, where there have been previous roster operations they will be treated as though they had been settlement operation, and these rules in part A will apply

Basis of revised rates

2 The Roster Officer must first study the rent rate report of the last settlement and thoroughly understand it He will accept the Settlement Officer s division into assessment circle his soil classification his soil proportions, and he will use the sanctioned rates of settlement, both circle and village as the basis of his proposals If at any stage the Roster Officer thinks that the division into circles and soils made at a settlement or the settlement rates will not form a proper basis for his proposals, he must at once submit a special report to the higher authority stating the reasons for his opinion and defining clearly the points on which he considers the settlement figures unsuitable for this purposes He must not until he has received the sanction of higher authority depart from the figures of settlement as the basis of his proposals The only exception to this is in connexion with the wet area if wet has been distinguished from dry ' at settlement The Roster Officer will have prepared by the patwari a list of all irrigation works constructed by the landlords provided that they are of the kinds which have been used at settlement in demarcating land as wet Irrigation works made by the tenants will not be included in the list He will then have an irrigation abstract prepared showing only what fields have been irrigated from those irrigation works in two out of five normal years preceding roster operations If any such fields were classed as ' dry ' at settlement he will, after satisfying himself by local inquiry that the irrigation abstract is correct have a list of them prepared and transfer them from the dry soil class to the appropriate wet soil class In villages in which canal irrigation has been introduced or materially extended since settlement a fresh irrigation abstract must be prepared for the whole village ' wet and dry ' being distinguished on the same principles as above In such villages a fresh soil classification may become necessary, if the settlement soil classification was such that a mere transfer of a field from dry to wet of the same soil class will not suffice In some canal irrigated districts, for example, first class outlying dry ' would according to the settlement soil classification become either first class outlying ' wet ' or second class outlying wet according to whether the supply of canal water is for each field or group of fields sufficiently full to grow every kind of crop or not full enough to grow the crops which require an abundant supply of water A study of the principles on which the [illegible]

[illegible]

under the provisions of both the Agra Tenancy Act and the Oudh Rent Act.

3 At an early stage the Roster Officer should study the general movement of rent and its present level He will ascertain this in such settlement circle by comparing the incidence of the rents of occupancy statutory and tenants at will at settlement and now in the following form

General movement of rent.

Movement of rent

Tenure	Rental incidence in rupees per acre		Percentage variation of column 3 from column 2+ or—
	At settlement	Now	
1	2	3	4
Total occupancy			
Statutory			
Tenants of *sir* with sub tenants			

The area, rent and incidence at settlement can be found either in the rent rate report or in the aggregate assessment volume

4 As soon as he conveniently can the Special Officer will commence the analysis of rents, he will not wait until his inspection is completed but will instruct the qanungos and patwaris to classify all rents as follows, in order to ascertain what relations the present rentals in each class and sub class bear to the valuation at settlement rates

Preparation of statistics

In Agra, class A—tenants already occupancy before last settlement

Ditto B—tenants declared occupancy at last settlement

Ditto C—tenants whose recorded period is 12 years or more in the khatauni of 1333 Fasli

Ditto D—statutory tenants of 7 years standing and over

Ditto E—statutory tenants of 3 years standing and of less than 7 years standing

Ditto F—statutory tenants of 1 year s standing and of less than 3 years standing

Ditto G—tenants of *sir* with sub tenants.

In Oudh, class A—statutory tenants whose rents have remained unenhanced for more than 10 years

Ditto B—statutory tenants whose rents have been enhanced within 10 years

Ditto C—statutory tenants admitted to their holdings more than 7 and less than 10 years ago

Ditto D—statutory tenants admitted to their holdings more than 3 and less than 7 years ago

Ditto E—statutory tenants admitted to their holdings within 3 years

Ditto F—tenants of sir with sub tenants

Mixed lump rented khatas containing fields of different periods of occupation which if separately rented would go into more than one sub-class of statutory tenants should be taken to the class in which they would go having regard to the lowest period of occupation

The figures required will be prepared in the following form

Index number form

Circle	Class A		Class B		Class C		Class D		Class E		Class F		Class G	
	Area	Index number (X) showing relation of actual rental (Y) to valuation at settlement rate (Z) Thus, X · 100 . · Y Z	Area	As in column 3	Area	As in column 3	Area	As in column 3	Area	As in column 3	Area	As in column 3	Area	As in column 3
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

[illegible] 7, 9, 11, 13 and 15 [illegible] 100 The numbers [illegible] the same proportion [illegible] rs to the valuation at settlement rates In order to fill in the statement the Roster Officer must—

(i) ascertain the area of each soil class and the total area held by the tenants of each class A to G in Agra or A to F in Oudh,

(ii) multiply each such area by the settlement rate of its soil class and total the products, and

(iii) ascertain the existing rentals

The figures to be entered in columns 3, 5, 7, 9, 11 13 and 15 are most easily explained by an example If of class A the valuation at settlement rates is Rs 10,000 and the actual rental is Rs 9,200 the figure to be entered in column 3 is 92, if of class B the valuation at settlement rates is Rs 5 000

and the actual rental, Rs 5,700 the figures to be entered in column 5 is 100/50 ×57=114 If statutory as well as standard rates were framed at settlement, the valuation at the statutory and not at the standard rates should be used for classes D, E, F and G, but it should be stated in the report which rates have been used for these classes The Special Officer can tell by the simplest calculation what effect on each rental the raising of the settlement rates by any percentage will have If, for example, the figure in column 3 is Rs 80, rates at 20 per cent above the settlement rates i e with an index number of 120, will give a valuation 50 per cent above the actual rental of class A. If the number in column 5 is 120 the settlement rates must be raised by 20 per cent to give a valuation equal to the actual rental of class B

Circumstances in which rent rolls should be rejected as not genuine or instable.

5 Provided that the Settlement Officer did not reject a material number of rent rolls as not genuine or instable or excessive, when he selected his unit values or rent rates it will be unnecessary for the Special Officer to eliminate rent rolls on any of these grounds He must examine the method adopted by the Settlement Officer, in order to ascertain in each circle whether he did or did not do so If the Settlement Officer rejected a material number of rent rolls, the Special Officer will make use of the notes, which he will extract from the assessment remarks, before proceeding to inspection, and unless he finds that such rent rolls have ceased to be non genuine, or instable, or excessive, he will omit all such area and rent rolls from the index number form If he finds it necessary to apply this rule, he is at liberty also to omit any further areas and rent rolls in regard to which he has found during his tour of inspection, that the rents are non genuine or instable or excessive

Notice to landlords and tenants.

6 As soon as he is appointed, the Roster Officer will publish a notice at the tahsil headquarters inviting any landlord or tenant within one month to file an application requesting him to visit any village which they desire him to visit, and to draw his attention to any areas, where they consider the existing rates to be too high or too low He will comply with any such request, if received within the allotted time, and will endeavour, if he reasonably can, to comply with such requests, even if they are presented after the date fixed

Local inspection

7 In planning his local inspection the Roster Officer will select the villages to be visited he will include the exemplar villages listed by the Settlement Officer or if they are very numerous, a fair proportion of them; he will include also all villages in which the cultivated area has increased or decreased by 10 per cent since settlement, all villages in which the Settle[illegible] villages regarding which he has [illegible]nts, and at least one village in [illegible]ut not less than half the villages [illegible] with him an extract from the [illegible] each village or mahal in [illegible]t to be non genuine or [illegible]uch villages whether the [illegible]s the inspection will be confined to—

(a) ascertaining whether there has been deterioration or marked improvement in any village since the Settlement Officer saw it, and if so its extent and how it should be dealt with in proposing rates for the deteriorated or improved areas;

(b) fitting into the Settlement Officer's soil classification any land which has come into the holdings' area and which the Settlement Officer did not classify,

(c) satisfying himself that the irrigation abstract which he has prepared is correct,

(d) where canal irrigation has been introduced since [illegible] and necessary sanction for a soil classification obtained, re[illegible] the soil according to the method of last settlement so far as

(e) inquiring whether the existence or the extent of caste privilege has changed since settlement,

(f) *ascertaining whether in any villages where the Settlement Officer* accepted the rents, they have since become non genuine, instable or excessive,

(g) ascertaining whether the grain rented areas are specially inferior or precarious

Relative value of soils

8 In some districts experience has shown that there has been some alteration in the soil proportions since settlement This may be due to one of two causes The rents of inferior soils may have stood still or moved slowly, while the rents of normal and superior soils may have rapidly increased, or owing to the character of the seasons certain soils may have become relatively or absolutely more or less valuable The former cause, if or not permanent, is at least persistent, land which is on the margin of cultivation cannot afford to increase its rent over a period of years to the extent to which stable cultivation can afford to do The latter cause is essentially transient and may disappear with a change in the monsoons But in both cases the remedy is not to alter the settlement proportions, which are based on a much broader inquiry, than the Special Officer can undertake, and which probably apply still to occupancy rents, the remedy is to get back to the rates and to consider whether the rates deduced from the selected index number should be modified for particular soils It will seldom be necessary to modify upwards the circle rates if the Special Officer has reason to suppose that any particular soil has deteriorated or that its rent has moved less quickly than the rent in normal soils he will have its single soil incidence worked out and will, if necessary, modify the rate deduced from his selected index number with reference to this incidence Modifications will seldom be required in the standard rates unless a soil is suffering from serious deterioration, but they will be required from time to time for statutory rates

Selection of suitable index number

9 With the index numbers before him the Special Officer has his problem clear It is to select for each circle a standard index number and in Agra a statutory index number also which will give a fair but not excessive enhancement of the inadequate rents and leave a safe margin on the excessive rents In making his selection the Special Officer must consider the movement of rents in each circle of occupancy and statutory tenants and of tenants at will In Agra he will generally find that the index number in column 5 gives approximately a fair level for his standard rates But the figure in column 5 for class B may for some circles be abnormal, and it must not be selected slavishly and blindly The Roster Officer may, however take as a safe general rule that the selected index number should not, except for special reasons, exceed the index number in column 5

In selecting the statutory index number in Agra and the standard index number in Oudh a margin often substantial for instability of the rents and short collections is always necessary This margin in Agra settlement sometimes goes as high as 25 per cent of the recorded rental and in rare cases even higher The Roster Officer must be careful that, the extent to which his selected index number will increase or decrease the rates of settlement, is not out of proportion to the rise in rents and prices since last settlement It is an accepted principal that owing to the tendency of prices to fluctuate and the fact that a rise in prices also means a rise or fall in the cost of living and of agriculture a percentage rise of a certain figure in prices only a very much lower percentage increase in the level of fair and equitable rates The Special Officer will bear in mind that the amount by which his selected index number exceeds 100 is the percentage by which the rates which he proposes will exceed the settlement rates

Valuation of the land in [illegible] classes new rates

10 Having selected the index number, which in all the circumstances [illegible] [illegible]cer will prepare a schedule of rates [illegible] t by which the selected index number [illegible] the Roster Officer will propose as his [illegible] land of each class of non privileged

tenants A to F in Agra and A to G in Oudh at the rates in the schedule and give the results in the following form •

Valuation statements

Circle	Class A			Class B			Class C and so on—					
	Actual rental	Valuation at proposed rates	Percentage variation of column 3 on column 2 + or—	Actual rental	Valuation at proposed rates	Percentage variation of column 6 on column 5 + or—	Actual rental	Valuation at proposed rates	As in columns 4 and 7			
1	2	3	4	5	6	7	8	9	10	11	12	13
I .												
II												

This form will act as a check on the index number form If, in view of the results it shows, the Roster Officer thinks that his proposed rates require revision he will revise them and prepare another valuation statement till he is satisfied that his proposals are sound

Grain rates

11 The Roster Officer will consider whether separate grain rates are required for the area which is rented in kind If the Settlement Officer fixed ... grain ... will ... the ... the rates paid for the grain and for the cash rented areas

Percentage on the total holdings' area of the area in which rent is paid in kind by batai, zabti jinspher *etc*

Circle	Area / Percentage on total holdings area of—			
	Batai	*Zabti*	*Jinspher*	Total columns 2, 3 and 4
1	2	3	4	5
I II III				..
Total			.	.

*Examples of sanctioned procedure will be found in the Roster Rent Rate Reports of pargana Moradabad (1929), pargana Amroha (1930), pargana Jalalabad of Lilibhit (1926), tahsil Bisalpur of Pilibhit (19-9)

Rental incidence in rupees per acre of grain and kind rents

Rental incidence in rupees per acre

Circle	Tenure	Pre-settlement average				Roster year				12 years' average			
		Occupancy		Statutory		Occupancy		Statutory		Occupancy		Statutory	
		Cash	Kind	Cash	Kind	Cash	Kind	Cash	Kind	Cash	Kind	Cash	Kind
I	*Batai*												
	Zabti												
	Jinspher												
II	*Batai*												
	Zabti												
	Jinspher												

In the light of the figures in the statements above the Roster Officer will consider whether the area rented in kind is sufficiently extensive to require special treatment and whether the rents in kinds are at such a level or whether the proportion between the rates for superior and inferior soils are so different that the cash rates which he has selected, are unsuitable for commutation of rents previously paid in kind. In his report he should state whether the area rented in kind is markedly inferior in quality or precarious in character
he should in selecting
the area in question ha
and especially the str
instability and a possible fall in prices

Report

12. *The Special Officer having determined what rates he considers* suitable, will write his report. There should, unless there are special reasons to the contrary, be only one report for a whole tahsil and no separate reports for each pargana. If the Roster Officer considers that the circumstances of a particular tract are such that separate reports are required for areas smaller than the whole tahsil he must before preparing reports for such smaller areas obtain the sanction of higher authority to do so. The report should be no longer than is necessary to enable the Roster Officer to make clear his proposals and the grounds upon which they rest. It should be regarded as supplementary to the settlement rent rate report and should be confined to an explanation of the principal changes since settlement which are relevant to the selection of fair and equitable rates. It should on no account be of the length or complexity of a settlement rent rate report. It will contain a copy of the map in the settlement rent rate report showing the assessment circles and principal physical features. For the general description of the tract it will refer to relevant paragraphs of the settlement

Rental incidence in rupees per acre of grain ar [illegible]

Rental incidence in rupees per acre

Circle	Tenure	Pre-settlement average				Roster year				12	
		Occupancy		Statutory		Occupancy		Statutory		[illegible]	
		Cash	Kind	Cash	Kind	Cash	Kind	Cash	Kind	[illegible]	
I	*Batai*										
	Zabti										
	Jinspher										
II	*Batai*										
	Zabti										
	Jinspher										

In the light of the figures in the statements above the [illegible] consider whether the area rented in kind is sufficiently [illegible] special treatment and whether the rents in kinds are at [illegible] whether the proportion between the rates for superior [illegible] are so different that the cash rates which he has selected [illegible] for commutation of rents previously paid in kind [illegible] *state whether the area rented in kind is markedly [illegible]* precarious in character If he considers that separate grain rates are [illegible] he should in selecting them take into account any special character [illegible] the area in question has If the area is unusually precarious the [illegible] and especially the statutory rates proposed should [illegible] instability and a possible fall in prices

Report

12 The Special Officer having determined what rates [illegible] *suitable, will write his report* There should, unless there are special [illegible] to the contrary, be only one report for a whole tahsil and no separate reports for each pargana If the Roster Officer considers that the circumstances of a particular tract are such that separate reports are required for areas smaller than the whole tahsil he must before preparing reports for such smaller areas obtain the sanction of higher authority to do so *The report* should be no longer than is necessary to enable the Roster Officer to make clear his proposals and the grounds upon which they rest It should be regarded as supplementary to the settlement rent rate report and should be confined to an explanation of the principal changes since settlement which are relevant to the selection of fair and equitable rates It should on no account be of the length or complexity of a settlement rent rate report It will contain a copy of the map in the settlement rent rate report showing the assessment circles and principal physical features For the general description of the tract it will refer to relevant paragraphs of the settlement

Collector's or Deputy Commissioner's office and at the tahsil and by supplying a copy of the sanctioned circle and village rates, and of the caste *or class privileges recorded, and in Oudh of the exemplar fields or groups of* fields to each patwari, who shall enter them in a list to be attached to his Settlement Record under the signature of the Special Officer or of the Sub-divisional Officer. Copies will be supplied to the public at the prescribed rates.

(B) Roster operations in permanently settled tracts in which no previous soil classification has been made and in non permanently settled tracts in which the circles and classification of soils are, with the previous sanction of the Board, revised under section 57(2) of the Agra Tenancy Act of 1926 or under section 51D(2) of the Oudh Rent Act of 1923.

Prem.na...

1. *In permanently settled tracts where roster operations are being con*ducted for the first time, there is no division into assessment circles, no soil classification and no "sanctioned rates" which can form the basis of roster operations. Similarly, in non permanently settled tracts in which the circles and classification of soils, have been revised with the previous sanction of the Board, the old out of date circles and soil classification cannot form an adequate basis for roster operations. In these cases roster operations must be in the nature of settlement operations up to the point where assessments begin and the reports which the Roster Officer will submit cannot be reduced much below the scope of a settlement rent rate report. The Roster Officer must, therefore, commence by the formation of rent rate circles and by soil classification. He should first make a quick visit to each part of the area to see what different types of country comprise it and to get a general idea of the rent rate circles which might be required. He should pay special attention to the country adjacent to important drainage lines and to areas distinguished from the ordinary upland loam tracts by the prevalence of abnormally sandy or heavy soil or of *usar*. Each of these different types of country is likely to require a separate rent-rate circle.

Rental or assessment circles.

2. As soon as the Roster Officer has formed an opinion of the rent rate circles likely to be required, he will begin his detailed inspection of each village and soil classify it. He should as early as possible determine his assessment circles and as soon as he has inspected each village he should place it in one or other of them. The circles should be formed of villages possessing a general similarity of soil or physical character. Where in a pargana there are well defined tracts with distinctive natural qualities those tracts will form the circles, but in forming them the Roster Officer shall have regard also to other characteristics whether natural or artificial which affect rents. Circles should not be too numerous or they will prove confusing and the component villages will not provide a broad basis of accepted rents on which to found the rates. On the other hand if a circle is too large it becomes very difficult to maintain even standards in the soil classification and there is a danger that weak villages will be too severely classified. As soon as each village has been allotted to its circle the patwari should extract the figures of the soil classes and the office should work out the rent rates and maintain a running total for the circles. The circles should as far as possible be topographical. If this work is postponed to the end of the tour it is impossible for the officer who is supervising the work to see how the tentative figures are working out. Care must be taken not to use the level of the rents as the main basis of the division into circles.

Soil demarcation.

3. The division of the land into soil classes shall be based on soils and other characteristics whether natural or artificial which affect rents. The soil classes should be sufficiently numerous to mark all important distinctions in value but a minute classification should not be attempted. The point to which the Roster Officer should pay special attention is to maintain as closely as possible approximately the same standard for each soil class throughout a rent rate circle. In districts where there is much *ekfasli* rice the rice land must be classed separately from the *harjins* or rabi growing land. A catch crop of pea or linseed or lentil sown after the rice without ploughing up the land, should be ignored and not held to turn the rice land into *harjins* land.

Rental privilege

The Roster Officer will also append to the report a list of the villages in which and the castes for which he proposes that rental privilege should be recognized In this matter also he should follow the Settlement Officer unless he has special reasons for not doing so In such cases he must make it clear what his reasons are and which villages or castes are affected thereby It is stated often rather sweepingly that caste privilege is dis appearing The statement conveys little by itself and often means no more than that in granting new leases the landlord allows no concessions The l.

[illegible]

settlement If the Settlement Officer has declared the privilege in particular villages, it may be assumed in the absence of contrary evidence that the privilege remains the same in regard to old holdings and only the rents of recent holdings will need to be tested Difficult cases can be tested in various ways and it is not necessary to work out unit values If there exist single soil holdings, leased in recent years to privileged and non privileged castes or classes their incidences will give an indication of present practice failing these the all round incidences of recent holdings may give the necessary indication if further doubt still exists the Special Officer may have to calculate unit values in particular cases But in recent as distinguished from old holdings, provided that fairly large areas are involved there is not likely to be much difference in the quality of the land held by privileged castes and that held by non privileged castes It must be remembered that although over a considerable local area mathematics will provide a fairly precise measure of the extent of rental privilege, there is no doubt that it varies from village to village and that on the other hand, if it is worked out village by village, the figures are inevitably disturbed by favoured holdings where the favour is granted to individuals and not members of a class Consequently the privileges which are decided by unit values have a misleading appearance of precision and are not in truth more than an approximation Finally provided that the Roster Officer exercises reasonable care he publishes the privilege proposed for objection and if those who claim or dispute the privilege will not take the trouble to challenge the proposals their misfortune is their own

Publications of proposals

13 As soon as the report is ready the Roster Officer will at once submit it to higher authority As soon as the proposals have received the provisional approval of higher authority the Special Officer will be informed and instructed to lay open for inspection at the Collector s office (i) a list of the proposed rates (ii) a list of the rental privileges which he has recorded under section 57(6) of the Agra Tenancy Act or section 51D(4) of the Oudh Rent Act (iii) in Oudh a list of exemplar fields or villages which he has recorded under section 51D(5) of the Oudh Rent Act, (iv) a list of the fair and equitable rates which he has recorded for each village under section 57(7) of the Agra Tenancy Act or section 51D(8) of the Oudh Rent Act He will notify their publication by posting notices in the Collector s office and at the tahsil headquarters and will allow objections to be filed in his court for a period of 20 days On receiving such objections the Special Officer may modify his proposals

14 As soon as the proposals are ready in the final form the Roster Officer will submit his report in duplicate to higher *authority* with any objections which he has received along with a report and his orders on them If he considers that the proposals which he originally made require any change other than those covered by his order on the objections he will state what changes he suggests and the reasons why he considers them necessary

15 The proposals and records sanctioned under section 58, Agra Tenancy Act and 51E, Oudh Rent Act, shall be published for each tahsil or other convenient area Publication shall be made by affixing copies at the

Collector's or Deputy Commissioner's office and at the tahsil and by supplying a copy of the sanctioned circle and village rates, and of the caste or class privileges recorded, and in Oudh of the exemplar fields or groups of fields to each patwari, who shall enter them in a list to be attached to his Settlement Record under the signature of the Special Officer or of the Sub-divisional Officer. Copies will be supplied to the public at the prescribed rates.

(B) Roster operations in permanently settled tracts in which no previous soil classification has been made and in non permanently settled tracts in which the circles and classification of soils are, with the previous sanction of the Board, revised under section 57(2) of the Agra Tenancy Act of 1926 or under section 51D(2) of the Oudh Rent Act of 1923.

Preliminary tour.

1. In permanently settled tracts where roster operations are being conducted for the first time, there is no division into assessment circles, no soil classification and no "sanctioned rates" which can form the basis of roster operations. Similarly, in non permanently settled tracts in which the circles and classification of soils, have been revised with the previous sanction of the Board, the old out of date circles and soil classification cannot form an adequate basis for roster operations. In these cases roster operations must be in the nature of settlement operations up to the point where assessments begin and the reports which the Roster Officer will submit cannot be reduced much below the scope of a settlement rent rate report. The Roster Officer must, therefore, commence by the formation of rent rate circles and by soil classification. He should first make a quick visit to each part of the area to see what different types of country comprise it and to get a general idea of the rent rate circles which might be required. He should pay special attention to the country adjacent to important drainage lines and to areas distinguished from the ordinary upland loam tracts by the prevalence of abnormally sandy or heavy soil or of *usar*. Each of these different types of country is likely to require a separate rent-rate circle.

Rental or assessment circles.

2. As soon as the Roster Officer has formed an opinion of the rent rate circles likely to be required, he will begin his detailed inspection of each village and soil classify it. He should as early as possible determine his assessment circles and as soon as he has inspected each village he should place it in one or other of them. The circles should be formed of villages possessing a general similarity of soil or physical character. Where in a pargana there are well defined tracts with distinctive natural qualities, those tracts will form the circles; but in forming them the Roster Officer shall have regard also to other characteristics whether natural or artificial which affect rents. Circles should not be too numerous or they will prove confusing and the component villages will not provide a broad basis of accepted rents on which to found the rates. On the other hand if a circle is too large it becomes very difficult to maintain even standards in the soil classification and there is a danger that weak villages will be too severely classified. As soon as each village has been allotted to its circle the patwari should extract the figures of the soil classes and the office should work out the unit values and maintain a running total for the circles. The circles should as far as possible be topographical. If this work is postponed to the end of the tour it is impossible for the officer who is supervising the work to see how the tentative figures are working out. Care must be taken not to use the level of the rents as the main basis of the division into circles.

Soil demarcation.

3. The division of the land into soil classes shall be based on soils and other characteristics whether natural or artificial which affect rents. The soil classes should be sufficiently numerous to mark all important distinctions in value but a minute classification should not be attempted. The point to which the Roster Officer should pay special attention is to maintain as closely as possible approximately the same standard for each soil class throughout a rent rate circle. In districts where there is much *ekfasli* rice the rice land must be classed separately from the *harjins* or *rabi* growing land. A catch crop of pea or linseed or lentil sown after the rice without ploughing up the land, should be ignored and not held to turn the rice land into *harjins* land.

"Wet" and "dry" rates

4. *Unless* there are good reasons to the contrary, separate rates shall be framed for "wet" and "dry" areas. Where this distinction is made, no land shall be classed as "wet" which is irrigated from temporary earthen wells or which has not been irrigated in at least two out of five normal years ending with the year of record

Consultation with canal authorities in canal tracts.

5. In canal irrigated tracts where the figures of "nahri" land have been worked out by the Special Officer, a list of the *villages showing the total* irrigated area classed as "nahri" in each village should be forwarded to the Executive Engineer, *Irrigation Branch*, concerned for any comments that he may have to make The Executive Engineer can then compare the area with the actual irrigation shown in his records. The figures of any *village where the irrigated* area appears to the Executive Engineer to be incorrectly stated will be again considered by the Special Officer with the *object of rectifying* any error which may have crept in

Rent rate proposals

6 *After* completing his inspection the Roster Officer must frame his rent rate proposals and embody them in a report In order to select suitable *rent rates the Special Officer* should use the method adopted at settlement of soil proportions and unit values His report should follow the lines of one of the *simplar rent rate* reports of a recent settlement A study of such a rent-rate report will make clear to the Special Officer the processes which he must employ

Soil proportions.

7 The purpose of the soil proportion is to ascertain the relative value of each soil class Holdings
cnt soil classes, but some
these must be separated fr
tenants or tenants at will a
will use the rental inciden
value of the different soils

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of the real relative value of the different soils, make any change which he considers necessary in the actual soil proportions to give selected soil proportions, which will represent the real relation to one another of the different soils Such changes will usually be found necessary only in soils of which only a small area is included in the single soil holdings, or in the case of inferior soils, of which the actual rents tend to be relatively higher than the quality warrants

Unit-values

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Example·

		Proportionate value	Number of units	Rent Rs
Goind	5 acres	20	100	320
Manjhar	15 ,,	16	240	
Palo	10 ,,	10	100	
Rice land	10 ,,	8	80	
Total	40		520	

Unit value or value of single unit (520) Rs 320 00 (62
312 0
———
800

Rupees 0 62 is the rent of one unit which is equivalent to 1/16 of an acre of manjhar, 1/20 of an acre of goind, 1/10 of an acre of palo, 1/8 of an acre of rice land

Selection of rates.

9. These unit values or index numbers are tabulated for each category of tenants They are based on genuine, adequate and stable rents, because not genuine, inadequate and unstable rents have been excluded at the beginning or if discovered later, at a later stage They are paid by substantial tenants who depend for their livelihood on the produce of their holdings, because tenants of petty plots, privilege tenants tenants who combine with agriculture, other trades like the sale of milk or market gardening and the sale of vegetables and fruit have been excluded

The unit values calculated from the more recent rents indicate the letting value of the land

The unit values of the various categories of tenants, entered side by side in a table present in epitome the movement of rents

It remains to consider whether the pitch of the existing rents is such that it can be paid without hardship over a series of years The general and local movements of prices should be studied

The actual pitch should be compared with the pitch of rents in adjoining and similar circles in the same or neighbouring districts If the Special Officer forms the opinion that rents have risen too rapidly to be reasonably safe, in other words, to be paid without hardship over a series of years he will select for the calculation of his rates a unit value, so much per cent. below that given by the figures

When the fair and equitable unit value has been selected it is a simple sum to calculate the rates all that is needed is to multiply the unit value by the figure which represents the proportionate value of each soil

Rates in grain-rented tracts

10 The rates of cash paying tenants will seldom b[illegible] found suitable for the valuation of grain rented land and in tracts where rents are paid in kind over large areas separate circle grain rates may have to be determined These should, if possible, be founded on the recorded grain rents for a period sufficiently long to allow for fluctuations in prices and produce and to give a fair average of rental value The trustworthiness of the record should be tested by inquiry in the villages by observation of the results of division and appraisement of crops by comparison of the recorded receipt with the amounts for which villages are leased, and by exmination of the variations of seasons [illegible] ality and cul[illegible] [illegible]parison should [illegible] the difference [illegible] rentals sho[illegible]ld [illegible] of the grain [illegible] for induction [illegible] uch the same [illegible] utory tenants and the Special [illegible] fair and representative returns [illegible] he circle In framing these for [illegible] relative values furnished by the cash rates as a general guide but he should bear in mind that the difference in rental value between the cash rented and grain rented holdings is the greatest in the better class of soil where the effect of cash rents in promoting good cultivation is more marked than in the case of inferior land In tracts [illegible] area is comparatively small [illegible] rates but in recording how [illegible] dification to each village be [illegible]

Rental privilege.

[illegible] or of the extent of rental [illegible] the line between the tenants [illegible] and tenants who as a class or by reason of their caste are holding at favoured rates A patwari or a karinda or a near relative of the landlord who obtained their land at a low rent are merely favoured tenants At the other end of the scale there are found in some of the eastern districts large numbers of high caste tenants who are unable to handle the plough and are recognized as paying a lower rent on account of their caste Between these two extremes are found all sorts of

gradations, there are tenants who were the original settlers, or who belong to the same brotherhood as the proprietor, or who were once owners of the village, but have lost their status It is generally impossible to discover with certainty the reason of the privilege, but if it exists it must be recognized

Provisional approval of proposals

12 As soon as the Roster Officer has completed his proposals and records for a tahsil or with the sanction of higher authority for some smaller area, he will prepare the following

A list of his proposed rates with an explanation of how he has arrived at them and a list of fair and equitable rates which he has recorded for each village under section 57(7) of the Agra Tenancy Act or section 51D(3) of the Oudh Rent Act He will submit these to higher authority for approval before publication As soon as he receives such approval he will lay them open for inspection at the Collector's office together with a list of rental privileges, if any, which he has recorded under section 57(6) of the Agra Tenancy Act or section 51D(4) of the Oudh Rent Act, and in Oudh a list of exemplar fields or villages which he has recorded under section 51D(5) of the Oudh Rent Act He will notify their publication by posting notices in the Collector's office and at the tahsil headquarters and will allow objections to be filed in his court for a period of 20 days

Report

13 The Roster Officer will prepare one rent rate report for each tahsil unless he has received the sanction of higher authority to prepare one for smaller areas The report should be on the lines of a modern settlement rent rate report and shall be made as concise and short as possible If separate grain rates have been framed the results of the Special Officer's inquiry as to the accuracy of the grain records will be stated and the method by which the grain rates have been deduced should be specially explained. As soon as the report is ready the Roster Officer will submit it in duplicate to higher authority If, as the result of objections received on the publication of his proposals the Roster Officer makes any changes in the rates, the rental privileges or the exemplar fields or villages he should in the rent rate report mention what changes he has made and why he has made them

14 The proposals and records sanctioned under section 58, Agra Tenancy Act and 51E Oudh Rent Act, shall be published for each tahsil or other convenient area Publication shall be made by affixing copies at the Collector's or Deputy Commissioner's office and at the tahsil and by supplying a copy of the sanct
recorded
who shall
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will be supplied to the public at the prescribed rates

CHAPTER XIV

Rules of Procedure relating to Ejectments under the Agra Tenancy or Oudh Rent Act

A

Ejectment under section 54 of Act XXII of 1886 (Oudh Rent Act)

Contents of application

100.—Every application to have a notice of ejectment served under section 54 made to a tahsildar, or to the naib tahsildar who is hereby declared to be the other prescribed officer referred to in section 55(2) of Act XXII of 1886, shall contain the following particulars

(*a*) The name parentage and caste of the tenant, and the nature of his tenancy

(*b*) the character in which the applicant claims to be landlord in respect of the tenant whether in the character of sole landlord of the land occupied by the tenant, or of lambardar or of a co sharer who is authorized to receive from the tenant the whole of the rent payable by him, or of a tenant who has sub let the land to the tenant on whom he applies to have the notice of ejectment served, or in any other character,

(*c*) the tahsil or pargana and the mauza and mahal and if there be such sub divisions of the mahal, the thok or patti in which the land is situated, and (where fields have been numbered in a Government survey) the number and area of each field from which the tenant is to be ejected

(*d*) the facts which render the tenant liable to ejectment by notice on or before the 15th day of May next following with reference to section (or sub section, if necessary) of the Oudh Rent Act, 1886, which renders him so liable to ejectment

Form of notice.

101.—With the application the applicant shall present in duplicate a notice written in the Persian and Nagri characters in the following form, † to be served under section 55(2) —

Whereas you *AB* son of *CD*, hold the land specified below as——————* tenant and are liable to ejectment by notice under section 54 read with section————— sub section——————, Oudh Rent Act notice is hereby

*Heir of deceased tenant tenant of sir land tenant in pasture land etc

† B R form no. 205

given that you must vacate the land on or before the 15th day of May next

If you mean to dispute the ejectment you must institute a suit for that purpose within thirty days from the date of service of this notice

If you have any claim for compensation for improvements on the holding you should file with your plaint a statement of the claim and of the grounds on which it is based

Specification of land

Pargana	Mauza	Mahal	Thok	Patti	Number and description of field*	Area of field
					Total area	

(*Signed*)
Landlord or authorized agent



When service to be refused.

102 —The tahsildar or other prescribed officer shall refuse to serve the notice if it is not in confirmity with the terms of section 55 of the Act, or if the costs of process are not paid at the time the application is made

Method and return of service

103 —(*a*) The notice shall be served by delivering to the tenant, personally if practicable, or to an agent authorized by him to accept service on his behalf or, if the tenant or an agent so authorized cannot be found, service may be made by posting it at the usual place of residence of tenant or if the

*i e whether cultivated grove etc.

tenant does not reside in the district in which the land is situate, at the village *chaupal* or other conspicuous place in the village wherein the land is situate *

*G O no 181/I—40, dated the 29th January, 1917 (3 II—992A)

(b) On the other copy of the notice the serving officer shall endorse, or cause to be endorsed, a return stating the date and hour on and at which and the manner in which the notice was served

(c) The return shall be signed or marked by the serving officer and shall be verified at the foot by affidavit, in the following form, sworn or affirmed by him before such official as the tahsildar may appoint for the purpose This official should ordinarily be the naib nazir

Form of affidavit †

I resident of serving officer do make oath (or affirm) and say that the above return of service is true

Signature of person making affidavit————

Made on oath (or solemn affirmation) before me this day of 19 Signature————

(d) The notice so endorsed shall be placed in the record containing the application made to the tahsildar or other prescribed officer under section 55(2)

B

Assistance to eject tenants under section 60 of Act XXII of 1886

104 —Every application under section 60 for assistance to eject a tenant shall state that the notice was duly served on the tenant under section 55, that the tenant has not been authorized in writing since the issue of the notice to continue in the occupation of the land and that the tenant has not brought a suit to contest the notice, or that, if a suit for that purpose has been brought, it has been determined adversely to the tenant

Contents of application

105 —On the presentation of the application under section 60 the court shall call for and inspect the record of the application made to the tahsildar under section 55 (2), and the record if any, of the suit brought and, if the statements made in the application appear to be correct shall unless the tenant otherwise appears before it and admits all the particulars specified in section 60 of the Act, issue a notice‡ to the tenant in the following form

Procedure on application Form of notice

In the court of at

Whereas a notice was duly served on you AB on the day of 19 requiring you to vacate the undermentioned lands on or before

---

†B R form no 111 Vernacular

‡B R form no 206 Vernacular

the 15th day of May last, and warning you that, if you mean to dispute the ejectment, you should institute a suit for that purpose within thirty days from the date of the service of the said notice

And whereas [you have not brought a suit to contest the notice] [the suit you brought to contest the notice has been determined adversely to you], and the said CD, alleging that you have not been authorized in writing to continue in occupation, has applied for assistance to eject you on the ground that your tenancy has ceased according to law

Take notice that if within days next after the service of this notice on you, you do not show cause in this court why the assistance applied for should not be granted, this court will proceed to enforce your ejectment

Specification of land

Pargana	Mauza	Mahal	Thok	Patti	Number of field	Area of field
					Total area	

(Signed)

Presiding Officer of the Court

Seal of Court

Period within which cause must be shown against ejectment

106.—The time within which cause may be shown why assistance to eject should not be granted by a court on an application under section 60 shall be fixed by order of the Deputy Commissioner of the district for each tahsil, with reference to the distance of the most remote portion of the tahsil from the place where the court is held, but it shall not exceed fourteen days, or be less than eight days, from the date of the service of the notice mentioned in the last preceding rule

Disposal of objections and issue of order to eject.

107.—If cause be shown why ejectment should not be enforced, the court shall hear the same and pass such order on the application as the circumstances of the case require If cause be not shown within the time specified in the notice, the court, if satisfied as to the several matters mentioned in section 60, shall order the ejectment of the tenant

Ejectment under section 81, Agra Tenancy Act, 1926

C

*Rules of procedure relating to applications under section 81**

*[G O no 4883/I A—292, dated the 10th December, 1927 (serial no 94/384 B)

Contents of application

108.—Every application made to a tahsildar under section 81 of the Act shall contain the following particulars

(*a*) The name, parentage caste and place of residence of the landholder,

(*b*) the name parentage caste and place of residence of the tenant,

(*c*) the character in which the applicant claims to be landholder in respect of the tenant, whether in the character of the sole proprietor of the land held by the tenant or of lambardar, or of a co sharer who is authorized to receive from the tenant the whole of the rent payable by him or of a tenant who has sub let the land to the tenant on whom he applies to have the notice served or in any other character,

(*d*) the amount of arrears of rent due with a statement of account of the arrears due for each year in respect of which the arrears are claimed,

(*e*) the tahsil or pargana and the mauza and mahal and if there be such sub divisions of the mahal, the thok or patti in which the holding is situated, and (where fields have been numbered in a Government survey) the number and area of each field comprised in the holding

109.—The application shall be signed and verified by the applicant in the same manner as a plaint filed before a revenue court

Form of notice

110.—With the application the applicant shall present in triplicate a notice written in Persian and Nagri characters in the following form —

In the court of at
whereas *AB*, son of *CD*, caste resident of , has applied to this court for the issue of a notice to you, *EF*, son of *GH*, caste resident of , for payment of arrears of rent and for your ejectment in case of default, alleging himself to be your landholder

And whereas the amount of Rs is claimed to be due from you the said *EF*, on account of arrears of rent as detailed in the margin in respect of the holding specified below, notice is

Year	Rent	Amount paid	Arrears
			Total Rs

hereby given to you, the said *EF*, that you must pay the said sum of Rs being the amount of arrears due from you into this court within thirty days of the date of the service of the notice or to appear in this court and contest the claim If you do not pay the arrears amounting to Rs , due from you on account of arrears of rent or if you do not contest the claim within thirty days of the service of the notice an order for your ejectment from the holding specified below will be passed

Description of the holding

Pargana	Mauza	Mahal	Thok or, patti	Number of field	Area of field
				Total area	

Given under my hand and the seal of the court this day of 19

(*Signed*)

Tahsildar

Seal of Court

(*Signed*)

Landholder or his authorized Agent

111.—Each copy of the notice shall be signed by the landholder or by an agent authorized by him in this behalf and as many copies in triplicate shall be filed as there are tenants on whom notice has to be served.

When service to be refused

112—The tahsildar shall refuse to serve the notice if it is not in conformity with the terms of section 81 of the Act, or if the prescribed fee for service is not paid at the time when the application is made

113.—The notice shall be served according to the provisions of Order V of the Code of Civil Procedure.

Service of notice

114.—Where under the proviso to section 93, clause (1) of the Act, the duplicate copy of the notice is issued to the tenant, the Court shall, before issue, endorse thereon an order informing the tenant that if he desires to show cause why possession should not be delivered to the landholder he must do so within fifteen days A copy of the order passed by the court directing the issue of the duplicate copy of the notice shall be sent along with the duplicate copy of the notice so endorsed, and the report of the service of the duplicate copy of the notice on the tenant shall be endorsed on the copy of the order of the court as if it were the original notice

Service of the duplicate copy of the notice.

115.—The copy of the order of the court so endorsed shall be returned to the court and placed on the record containing the application under section 81 of the Act

Rules relating to enforcement of ejectment

116.—Every application for execution of a decree or order for ejectment of a tenant shall besides other particulars specify the tahsil or pargana and the mauza and mahal and if there be such sub-divisions of the mahal, the thok or patti in which the land is situated, and where fields have been numbered in a Government survey the number and area of each field from which the tenant is to be ejected

Contents of application for execution

117.—The application shall, except when it is a second or subsequent application for the execution of the same decree or order shall be accompanied by a certified copy of the decree or order for ejectment, and the court may if necessary, call for and inspect the record relating to the order for ejectment In particular before enforcing ejectment it shall satisfy itself that the duplicate copy of the notice filed by the landholder has been duly served on the tenant as required by section 90 clause (3) or the proviso to section 93 clause (1) of the Act

Application to be accompanied by a copy of decree for order.

[G O no 2086 I/A 506, dated the 20th February 1932]

D

The following rules apply to all ejectments whether in Agra or in Oudh

118.—The ejectment shall be effected by the kurk-amin who shall send notice to the tenant on his arrival in the village The ejectment shall be made on the spot (not at the village *chaupal*), and from each field separately, by formal delivery of possession to the landholder, or his agent, with the customary beat of drum, in the presence of the tenant, if he is in the

General procedure of Amin in effecting ejectment

village, and of two villagers whose names should be entered in the kurk amin's report If the tenant is not present in the village or refuses to attend the kurk amin shall record the fact in his report If there is a crop on any field the kind of crop shall also be stated in the report, and the landholder or his agent to whom delivery is made should be required to sign the report If the patwari is present in the village the kurk amin shall request his attendance, and he shall see that the patwari makes a record of the ejectment in his *roznamcha* as directed in the patwari rules

119 —When the eviction of the tenant has been effected the kurk amin shall submit his report with the particulars required by para 118, to the court which issued the order of ejectment

Rules of procedure relating to ejectment by notice on application under section 86 Act III of 1926

Contents of application

120.—Every application made to a tahsildar under section 87 of the Act to have a notice of ejectment issued and served under section 86 shall contain the following particulars

(a) The name parentage, caste and place of residence of the landholder

(b) the name parentage caste and place of residence of the tenant,

(c) the character in which the applicant claims to be landholder in respect of the tenant whether in the character of the sole proprietor of the land occupied by the tenant or of a lambardar, entitled to eject the tenant or of a co sharer who is authorized to receive from the tenant the whole of the rent payable by him or of a tenant who has sub let the land to the tenant on whom he applies to have the notice of ejectment served or in any other character,

(d) the tahsil or pargana and the mauza and mahal and if there be such sub divisions of the mahal, the thok or patti in which the land is situated and (where fields have been numbered in a Government survey) the number and area of each field from which the tenant is to be ejected, or any other adequate description of the holding and

(e) the ground on which ejectment is applied for with reference to the section (or sub section, if necessary) of the Agra Tenancy Act, 1926, which renders him liable to ejectment

121.—The application shall be signed and verified by the applicant in the same manner as a plaint filed before a revenue court

With the application the applicant shall present, in triplicate, a notice* written in the *Persian* and *Nagri* characters in the following form

Form of notice

Government [Revenue (A) Department] notification no 564 I A—292, dated the 9th May, 1930 serial no 260/384 B)

I , son of caste resident of , do hereby give notice to you son of , caste , residing at that you must vacate the undermentioned holding on or before the †15th day of May next

The Government have prescribed the following dates before which delivery of possession of land in execution of a decree or order of ejectment shall not be made in

†Government [Revenue (A) Department] notification no 3344/IA—32, dated the 8th September, 1927 (serial no 58/384 B)

1 Gorakhpur and Benares divisions 15th April
2 Allahabad, Jhansi Rohilkhand and Agra divisions 1st May
3 Meerut division 15th May

If you desire to dispute the ejectment you must appear and contest the notice in the Court of the tahsildar of within thirty days of its being served on you

On the other hand if within thirty days of the service of the notice you appear and admit your liability to ejectment in that court you will not be liable for any costs

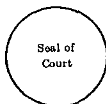
The ground on which your ejectment has been applied for is as follows

Description of the holding

Pargana	Mauza	Mahal	Thok or patti	Number of field	Area of field	Rent of the holding
				Total area		

(*Signed*)

Landholder or his authorized Agent



*B R form no 208

122.—Each copy of the notice shall be signed by the landholder or by an agent authorized by him in this behalf, and as many copies in triplicate shall be filed as there are tenants to be ejected

When service to be refused.

123.—The tahsildar shall refuse to serve the notice if it is not in conformity with the terms of section 87 of the Act or if the prescribed fee for service is not paid at the time the application is made

Service of the duplicate copy of the notice

124.—Where under the provisions of section 90, clause (3) of the Act, the duplicate copy of the notice is issued to the tenant the court shall, before issue, endorse thereon an order informing the tenant that if he desires to show cause why possession should not be delivered to the landholder, he must do so within thirty days A copy of the order passed by the court directing the issue of the duplicate copy of the notice shall be sent along with the duplicate copy of the notice so endorsed and the report of the service of the duplicate copy of the notice on the tenant shall be endorsed on the copy of the order of the court as if it were the original notice

125.—The copy of the order of the court so endorsed shall be returned to the court and placed on the record containing the application under section 87 of the Act

Service of notice

126.—A notice under section 86 is to be served as a summons under section 88, viz in accordance with Order V of the Code of Civil Procedure

CHAPTER XV

Rules of Procedure relating to surrender and abandonment of land under section 105 of the Agra Tenancy Act, III of 1926*

*[G. O. no. 3771/I A—258 1927, dated the 12th October, 1927 (Serial no 77/384 B)]

A

Contents of application

127.—Every application made to a tahsildar under section 105 shall contain full particulars as to the name, caste and residence of the landholder

Form of notice

128.—With the application the applicant shall present, in duplicate, a notice written in Persian and Nagri characters for service on the landholder The following form of notice is suggested as convenient

I, *AB*, son of *CD*, caste resident of a tenant in mahal X, thok or patti Y, hereby inform you, *EF*, son of *GH*, caste resident of , the person from whom I hold, that I intend to surrender my holding in the same comprising the following lands

Number of field	Area of field	Rent of holding
Total area		

(Signed *AB*)

Tenant

129.—Each copy of the notice shall be signed by the tenant and as many copies in duplicate shall be filed as there are landholders on whom notice is to be served

Cost of service to be paid

130.—The cost of service shall be paid when the application is made otherwise the tahsildar shall refuse to serve the notice and shall record his refusal on the back of the application

Alteration of notice

131.— The tahsildar shall cause the tenant to attest the notice; and, if the tenant is not personally known to him, shall require him to produce two witnesses to his identity and shall record the fact of the identification

Endorsment for service

132.—If the notice is served by the tahsildar under section 105 of the Act it shall be endorsed as follows —

This notice of *AB*, a tenant in mahal X, thok or patti Y, is served upon you, *CD*, under section 105 of Act III of 1926.

B

Rules relating to assumption by landholder of land abandoned by tenant under section 107, Act III of 1926

Form of notice

133.—The notice to be filed by the landholder in the office of the tahsildar for service on the tenant under section 107, clause (4) of the Act shall be written in the Persian and Nagri characters in the following form

Whereas you, *AB*, son of *CD*, caste , resident of a tenant in mahal X, thok or patti Y, have abandoned the holding hereinunder specified this is to give you notice under section 107, clause (4), Act III of 1926, that I *EF* son of *GH*, caste resident of , your landholder wish to treat the holding as abandoned and am about to enter on it accordingly

Number of field	Area of field	Rent of holding
Total area		

(Signed) *EF*

Landholder or his authorized agent

Memorandum to be appended to notice

134—To the notice shall be appended a memorandum in the Persian and Nagri characters to the following effect —

You are informed that the period within which a suit to recover possession of the holding may be instituted under

section 99 clause (1) Act III of 1926, on the ground that you did not voluntarily abandon it is six months from the date on which the alleged wrongful dispossession took place

135.—The landholder or an agent authorized by him in this behalf shall sign each copy of the notice and as many copies shall be filed as may be required for service on the tenant under para 136

Service of notice

136.—The provisions of Order V of the First Schedule of the Code of Civil Procedure, 1908, for the service of summons shall apply to the service of notice filed under sections 105 and 107(4) of the Act subject to any rules made by the Board as to the service of notices

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Rules of Procedure relating to Relinquishment and Abandonment of Land under section 20 of the Oudh Rent Act, XXII of 1886*

*G O no 1062 I A—164 19-8 dated the 9th July, 1928 (Serial no 169/384 B)

A

***137**.—Every application made to a tahsildar or naib tahsildar under section 20(2) shall contain full particulars as to the name caste and residence of the landholder

The naib-tahsildar is hereby declared to be the "proper officer" referred to in section 20(2), Act XXII of 1886*

138.—With the application the applicant shall present in duplicate a notice written in Persian and Nagri characters for service on the landholder The following form of notice is suggested as convenient

I, *AB* son of *CD* caste resident of a tenant in mahal X thok or patti Y hereby inform you *EF* son of *GH* caste resident of the person from whom I hold that I intend to surrender my holding in the same comprising the following lands

Number of field	Area of field	Rent of holding
Total area		

(Signed) *AB*
Tenant

139.—Each copy of the notice shall be signed by the tenant and as many copies in duplicate shall be filed as there are landholders on whom notice is to be served

140.—The cost of service shall be paid when the application is made otherwise the tahsildar or the naib tahsildar shall refuse to serve the notice and shall record his refusal on the back of the application

141.—The tahsildar or the naib tahsildar shall cause the tenant to attest the notice and if the tenant is not personally known to him shall require him to produce two witnesses to his identity, and shall record the fact of the identification

142.—If the notice is served by the tahsildar or the naib tahsildar under section 20(2) of the Act it shall be endorsed as follows

This notice of *AB* a tenant in mahal X thok or patti Y is served upon you *EF* under section 20(2) Act XXII of 1886

B

Rules relating to Assumption by Landholder of Land abandoned by Tenant under section 21, Act XXII of 1886

143.—The notice to be filed by the landholder in the office of the tahsildar for service on the tenant under section 21 clause (2) of the Act shall be written in the Persian and Nagri characters in the following form

Whereas you *AB* son of *CD* caste resident of a tenant in mahal X thok or patti Y, have abandoned the holding hereinunder specified this is to give you notice under section 21 clause (2) Act XXII of 1886, that I *EF* son of *GN* caste resident of your landholder, wish to treat the holding as abandoned and am about to enter on it accordingly

Number of field	Area of field	Rent of holding
Total area		

(Signed) E F

Landholder or his authorized Agent

144.—To the notice shall be appended a memorandum in the Persian and Nagri character to the following effect

You are informed that the period within which a suit to recover possession of the holding may be instituted under section 108 clause (10), Act XXII of 1886, on the ground that you did not voluntarily abandon it is three months from the date on which the alleged wrongful dispossession took place

145.—The landholder or an agent authorized by him in this behalf shall sign each copy of the notice and as many copies shall be filed as may be required for service on the tenant

CHAPTER XVI

Attestation of Leases, etc., in the districts of Agra by Court*

* Notification no 1495/I 203F, dated the 19th May, 1902 *U P Gazette*, dated the 24th May, 1902, page 337.

146.—Where in any case pending before a revenue court a compromise is arrived at providing for the rent to be paid in respect of a holding or the period for which a holding is to be held, and an agreement is filed embodying the terms of the compromise, the court shall, provided that the agreement is properly stamped, is for a term not exceeding ten years and stipulates for rent not exceeding Rs 100 annually, attest the same, and take such steps as may be necessary to have the same recorded in the patwari s papers

Except as above provided no revenue court shall ordinarily attest a lease or agreement unless the parties thereto appear before it, accompanied by the patwari within whose circle the land which is the subject of the lease or agreement is situate, and present an application in writing for the attestation thereof

CHAPTER XVII

Rules relating to Proceeding in Distraint and Division, Estimate or Appraisement of Crops under the Agra Tenancy, or Oudh Rent Act*

*G O no 883/I A—260/I 1927, dated the 3rd August 1927 (Serial no 36/384 B)

Distraint

147.—Every application to the proper officer for sale under section 161 of the Agra Tenancy Act or under section 82 of the Oudh Rent Act, shall be accompanied by a true copy thereof

Application to be accompanied by a true copy thereof

Government Revenue (A) Department notification no I 00/I—213 1935 dated the 20th June 1936

148—The proper officer shall send the true copy of the application filed under the foregoing rule together with the copy of the list or description of the distrained property filed under section 156 of the Agra Tenancy Act, or prepared under section 78 of the Oudh Rent Act by the distrainer to the court having authority to entertain a suit to contest the distraint

149.—The kurk amin within whose circle the distrained property is situated shall be the proper officer for the purpose of section 161 of the Agra Tenancy Act or section 82 of the Oudh Rent Act provided that the power of such officer to receive applications and fees for sale of distrained property may be exercised by the officer in charge of the headquarters office of the tahsil whenever the kurk amin is absent therefrom Such officer in charge shall transmit all applications so received to the kurk amin with the least possible delay

150—The fee payable under section 163 of the Agra Tenancy Act or under section 83(2) of the Oudh Rent Act for service of notice shall be Re 1

151—No fee shall be payable on any application made to the proper officer under Chapter X of the Agra Tenancy Act, or under Chapter VII of the Oudh Rent Act nor shall any fee be payable for any proclamation issued under section 164 of the Agra Tenancy Act or under section 84(2) of the Oudh Rent Act

Division Estimate, or Appraisement of Crops

152—The officer to be deputed under section 139(1) of the Agra Tenancy Act or under section 32(1) of the Oudh Rent Act, to make division estimate or appraisement shall ordinarily be the kurk amin

Kurk amin to make division appraisement estimate of crops

153.—The award and a report of the proceedings shall be submitted to the court as required by section 139(6) of the Agra Tenancy Act within two days of the delivery of the award Any award made by the officer deputed under section 32 of the Oudh Rent Act shall similarly be submitted with the report of his proceedings to the court within two days of the delivery of the award.

154.—A fixed fee of Re 1 shall be deposited by the applicant with an application under section 138 of the Agra Tenancy Act

In the case of an application under section 31 of the Oudh Rent Act the fee will be calculated in accordance with the provisions of the Court Fees Act

CHAPTER XVIII

Dates for the Division of Profits in the districts of Agra*

*[G. O no 6685-C /I A—399, dated the 8th October, 1927 (Serial no. 73/384-B).]

155.—With reference to section 225 of the Agra Tenancy Act, 1926, profits shall be divisible on the following dates:

(*a*) If the dates have been agreed on by the persons concerned, the dates so agreed on;

(*b*) if the dates have been determined and recorded by a Settlement Officer, the dates so determined and recorded;

(*c*) in other cases where profits are divided with the crop, 1st February and 1st August (the sugarcane instalment, where there is one, being included with the *rabi*). where profits are divided annually, 1st August.

CHAPTER XIX

*[Government Revenue (A) Department notification no 171/I A—455 1927, dated the 31st January 1928 (Serial no 17/387 B)]

Rules of Procedure relating to Cases under sections 18, 271 and 273 of the Agra Tenancy Act, 1926*

Process fee to be credited before reference to Civil court made

156.—A revenue court making a *reference under the* provisions of section 18(3) or 271(1) (c) of the Act before forwarding the record to the civil court shall require the party *raising the dispute as to the proprietary right in the land* to pay the process fees in court fee stamps according to the scales prescribed in Chapter XVII of the General Rules (Civil), 1926, for the issue of notices by the civil court for the attendance of the parties for the decision of the issue referred to the civil court and shall note in its order forwarding the record to the civil court that the necessary process fees have been realized

Notice to parties

157.—Where under the provisions of section 273 of the Act a record is received by a revenue court with a note that the necessary process fees have been paid in the civil court the revenue court shall issue notices to both parties without cost as to the first date of hearing fixed by it

Instructions relating to Cases under sections 18, 271 and 273 of the Agra Tenancy Act, 1926

Reference to civil court

1 Where an issue on a question of proprietary right is framed by a revenue court under the provisions of section 18(3) or 271(1)(c) of the Act it shall submit the entire record of the case through the District Judge to the competent civil court for the decision of that issue

Entry in the misband registers

2 The date of despatch of the record to the civil court shall be entered in red ink by the ahlmad in the remarks column of the misland register When the record is received back from the civil court together with its finding on the issue the date of return of the record shall be similarly entered in red ink in the remarks column of the misband register

Classification of papers in natthi A and natthi B

3 Before the record is consigned to the record room the ahlmad of the court shall classify the papers on the reference file added by the civil court and put them in nathi A or nathi B and shall note the classification against each paper entered in the general index of the reference file received from the civil court

Reference from civil court

4 On receipt of a record with a reference under section 273 of the Act the Collector shall forthwith forward the record to the appropriate revenue court for disposal

Entry in the register of references

5 On receipt of the record the ahlmad, under orders of the revenue court shall immediately make an entry thereof in the register of references maintained under instruction no 6 and shall endorse on the reference the serial number of the register of references

Register of references

6 For references received under the provisions of section 273 of the Act, a register of references shall be maintained in the court of each Assistant Collector of the first class in the following form

Serial number of reference	Serial number of case on the file of civil court	Name of civil court making reference	Pargana and mauza	Names of parties	Nature of case with reference to section of law	Date of receipt of record with reference	Date of return of record with findings	Remarks
1	2	3	4	5	6	7	8	9

Reference file

7 (a) The papers added to the record of the civil court while it is in the revenue court, shall not be classified and put in nathi A or nathi B, but shall be kept in a single file called the reference file' A serial number shall however, be endorsed on each paper, as it is entered in the fly index and brought on the reference file

(b) The reference file shall be added to the civil court record as soon as the revenue court has recorded its finding and the record so prepared with the finding shall be returned direct to the civil court from which it was originallly received

References to be shown in the fortnightly return

8 References received from the civil courts shall be shown separately in the monthly progress report of cases submitted by revenue courts to Collector and also in the business statement submitted under Instruction no 19 relating to general conduct of business, Revenue Court Manual, Part I Chapter I

CHAPTER XX

Rules of Procedure relating to Revisions under section 252 of the Agra Tenancy Act (III of 1926)*

*[G O no 932/I A—469, dated the 22nd June, 1929 (serial no 211/Judl 384 B)

158.—An application for revision shall be drawn up and presented in the manner prescribed for appeals and shall be *accompanied by a copy of the decree or order in respect of* which such application is made and by a copy not only of the judgment if any on which such decree or order is founded, but of every court subordinate to the court whose decree or order is sought to be revised

G O no 801/I-A—469 dated the 29th April, 1930 (serial no 256/Judl 384 B)

159.—If the decree or order in respect of which such application is made has been passed by the Commissioner the application shall be presented to the Board in the manner prescribed in instruction 2 of Chapter I of the Revenue Court Manual, but if it has been passed by a court subordinate to that of the Commissioner it shall be presented to the Commissioner with a request that it may be submitted by that court to the Board with its recommendation, for orders

160 —Such application may be summarily rejected on the ground that the applicant has failed to prefer an appeal which it was open to him to prefer

161 —If it appears to the Commissioner that there is *prima facie* ground for reporting the case for the orders of the Board the court shall issue a notice to the parties concerned, informing them of the grounds upon which the application has been made and fixing a date upon which any objections which they may have to urge will be considered and recorded

162 —After hearing the parties the Commissioner may dismiss the application or may submit the record to the Board with a recommendation as to the order which should be passed by the Board

*[G O no 3912 I A—469 1927, dated the 20th October, 1927 (serial no 83/384 B) and G O no 741/I A—469 1927, dated the 5th May, 1928 (serial no 138/384 B)]

163.—On receiving recommendations submitted under paragraph 162 the Board will proceed to pass orders, and will not necessarily hear the parties before doing so

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Rules of Procedure relating to References and Revisions under sections 218 and 219 of the United Provinces Land Revenue Act, III of 1901*

Rules regarding references to Board

164.—An application to a court to make a reference under section 218 shall be drawn up and made in the manner prescribed by rules for an appeal and shall be accompanied by a copy of the decree or order in respect of which such

application is made by a copy of the judgment (if any) upon which such decree or order is founded.

165.—Such application may be summarily rejected on the ground that the applicant has failed to apply, as it was open to him to apply, to a court subordinate to the court in which the application is presented to make a reference under section 218 of the Act, or on the ground that he has failed to prefer an appeal which it was open to him to prefer

166.—If it appears to the court necessary to make a reference either on an application presented, or of its own motion with regard to any judicial order the court shall issue a notice* to the parties to the proceeding, informing them of the grounds upon which it proposes to make the reference, and fixing a date upon which any objections which they may have to urge will be considered and recorded

167.—(1) If in any case the court decides to make a reference it shall submit the reference with the record of its own proceedings to the Board or the Government, as the case may be, accompanied by the record of the subordinate court

(2) If the court making the reference is not the Commissioner, it shall submit the reference through the Commissioner.

Rules regarding revision by Board

168.—An application to the Board under section 219 of the Act shall be drawn up and presented in the manner prescribed by rules for an appeal and shall be accompanied by a copy of the decree or order in respect of which such application is made and by a copy not only of the judgment (if any) on which such decree or order is founded, but of every court subordinate to the court whose decree or order is sought to be revised

169.—If such application is for the revision of a judicial order passed by any revenue court other than a Commissioner, it may be summarily rejected on the ground that the applicant has failed to apply as it was open to him to apply, to a court subordinate to the Board to make a reference under section 218 of that Act or on the ground that he has failed to prefer an appeal to any such court which it was open to him to prefer

Instructions relating to References and Revisions under sections 218 and 219 of the United Provinces Land Revenue Act, III of 1901.

Register of references and revision

A separate register in the prescribed form* shall be maintained for all cases coming before the courts in reference or revision (a) under the Agra Tenancy Act, (b) under the United Provinces Land Revenue Act

* B R Form no 213, English

PART III

Special Rules of Procedure under the United Provinces Land Revenue Act, 1901

U P LAND REVENUE ACT 1901

CHAPTER XXI

Rules relating to the Registration of Successions or Transfers required to be reported by section 34 of the United Provinces Land Revenue Act, 1901*

*G O no 484/I A 93 1928, dated the 23rd March 1928 File no 384B serial no 119

Application of rules

170 —The following rules apply only to mutation of names in the register prescribed by section 32(*a*) to (*c*) of the Revenue Act

Action when to be taken

171 —Action under section 33 of the Act in connection with the mutation of names in the abovenamed registers may be taken—

(*a*) upon report made under section 34

(*b*) upon report made by the patwari in whose circle the whole or any portion of the property is situate, or

(*c*) upon information received in any other manner by the tahsildar

172.—Mutation of names can be ordered only by the tahsildar or by the Collector upon receipt of a report from the tahsildar Whenever therefore any revenue officer other than a tahsildar ascertains that an unregistered succession or transfer has taken place, the facts of the case should be communicated to the tahsildar for necessary action

Powers under the rules

173 —An assistant collector in charge of a sub division has under section 227 all the powers of a Collector under these rules

Description of report required under section 34

174 —Every report under section 34 shall be in writing shall specify (*a*) the name of the mahal in which the right has been acquired (*b*) the description of the right acquired (*c*) the land revenue assessed upon the property or if the right be a malikana right the amount of malikana in respect of which the right has been acquired (*d*) the name parentage caste and residence of the person from whom the right has been derived (*e*) the manner in which the right has been acquired, (*f*) the name parentage caste and residence of the person who has acquired the right (*g*) if the right be a right required to be registered under clause (*b*) or clause (*c*) of

*Sanctioned by G O nos 1054/I and 2471/I—418F dated the 11th April 1902 and 13th August 1903 and amended by G O nos 432/703—1909 dated the 8th March 1910 783/I—703 dated the 26th April 1910 216/I—50 dated the 27th January 1911 841/I—212 dated the 6th May 1911 and 1530/I—397 dated the 16th June 1914

section 32, the name of the proprietor of the mahal; and (h) the date on which the right was acquired; and shall be signed and dated by the person making the same

175.—The report is directed to be made in respect of the mahal only, and where the mahal is not comprised in a single mauza, a separate report in respect of every mauza in which any portion of the mahal is comprised shall not be required to be filed

176.—Where the mahal is comprised in two or more tahsils of a district, the report may be made at whichever tahsil the person required to report may prefer

177.—The report may be either presented to the tahsildar or be sent to him by post

If the person succeeding to or obtaining possession of the property signs the report made by the patwari under paragraph 20(1) of the Land Records Manual, he shall be deemed to have made a report himself under section 34.

178.—An application for mutation of names is not required, but only a report and provided that the report is *unaccompanied by a prayer it does not require to be* stamped

Date of receipt to be endorsed on report

179.—The date on which the report is received shall be endorsed thereon at the time of receipt by the tahsildar or by such officer as he may appoint in this behalf

Imperfect report how to be dealt with

180.—No report shall be deemed to be invalid merely by reason of some of the particulars required to be specified by paragraph 174 having been omitted or by reason of any of such particulars having been incorrectly stated

181.—In any such case the tahsildar shall ascertain from the person making the report, or in such other manner as may be convenient, such particulars as are wanting to complete or correct the report

Proclamation to be issued

182.—(1) Immediately upon the receipt of a report by a party under section 34, whether separately or by signature of the party on the report of the patwari, or

(2) If no such report is made under section 34, then three months after the date of transfer or succession, or if that period has elapsed before the facts come to notice, then immediately on their coming to notice—

The tahsildar shall issue a proclamation* free of charge in the manner provided by section 187, notifying that proceedings for mutation of names have been instituted

Provided that, if the report or information relate to a mahal any portion of which is not comprised in his tahsil

*B R form no 229 Vernacular

the tahsildar shall, before taking further action, submit the record to the Collector, and the Collector shall thereupon direct in which tahsil the inquiry under section 35 and all *other proceedings shall be held and shall forward the record to* that tahsil for disposal accordingly

183.—The proclamation shall specify—

(*a*) the particulars required to be furnished by paragraph 174,

(*b*) the date on which the proclamation was issued

(*c*) the date (being not less than fifteen days from the date of the issue of the proclamation) upon which any objection will be entertained and considered to mutation of the names being ordered in favour of the person who has acquired the right, and

shall require the person who has acquired the right and any person who may desire to file an objection, to attend upon that date and to produce such evidence as they may desire to produce, and

shall require the patwari within whose circle the property or any portion thereof is situate to attend upon that date with such records relating to the property as *are in his custody*

NOTE—When the person who makes the report or signs a report made by a patwari under rule 177 is an official receiver appointed under the provisions of the Provincial Insolvency Act and attaches to the report an authoritative copy of the order of the Court appointing him as such it shall not be necessary for the tahsildar to require the official receiver to attend in person on the date given in the proclamation It will be only necessary to do so and to call for proof of possession if and when any objection is filed

Personal attendance of the official receiver
G O no 3008/I—510, dated the 4th February, 1935 (Revenue Department)

Notice when to be issued

184.—If the right be a right required to be registered under clause (*b*) or clause (*c*) of section 32 a notice containing the same particulars as the proclamation shall also be served free of charge upon the proprietor

Leases

185.—When the transfer which is the basis of mutation proceedings purports to be a lease (*theka*) the tahsildar shall for the purpose of such proceedings, determine the status of the lessee and record his finding If he finds that a proprietary right has been leased he shall proceed under paragraph 186 If he finds that no proprietary right has been leased and that the lessee is in effect a tenant, he shall refuse mutation In the latter case, in order to secure entry in the village papers of the change in cultivating tenure a copy of the tahsildar's order shall be given to the qanungo for necessary action

G O no 886 1—40 dated the 28th May 1934 (13/395A) Procedure on completion of enquiry required by section 35

186—Upon the completion of the inquiry required by section 35 the tahsildar shall—

(a) in undisputed cases (i e where no objection has been filed under the preceding paragraphs) if a succession or a transfer appears to have taken place and no ex proprietary tenancy has been created and if a fine is leviable under section 38 forthwith order the levy of such fine In accordance with the rules in Chapter XXXIV of the Revenue Manual unless in any case he finds good reason to make a recommendation to the Collector that a lighter fine than that prescribed by the rules should be levied

(b) in disputed cases whether an ex proprietary tenancy has been created or not and in undisputed cases in which no succession or transfer appears to have taken place submit a report to the Collector for the purpose of obtaining orders on the case generally

Ex proprietary tenancies

187—In every case the tahsildar shall inquire and record whether an ex proprietary tenancy has been created or not and if it has been created *whether it has been extinguished or not prior to the date of inquiry*

188—If the parties *at the date of the inquiry are agreed* in respect of the land and the rent to be paid for it the tahsildar shall report to the Collector the terms of the agreement and the Collector may thereupon dispose of the case without giving further notice to the parties

189—(1 If no such agreement has been arrived at the tahsildar shall even though an agreement for relinquishment of the tenancy has been filed report the numbers of the fields in which or in any portion of which the ex proprietary tenancy has been created

(2) If the parties or any of them tender any written statement as to the rent considered to be a proper rent for the land the tahsildar shall receive the same and shall forward it with his report

190—In all cases except those that are disposed of under paragraph 188 a separate record shall be made by the Collector for the proceedings relating to the ex proprietary tenancy

191—Mutation of names in the registers shall not be delayed by reason of proceedings under section 36 being necessary and the order therefore shall be issued by the Collector accordingly

192—When a case has been submitted to the Collector under section 36 the parties shall be at liberty to file written

statements with regard to the issues to be determined, but shall not be required to do so

193.—Except as provided in the preceding rule, in determining the rent payable in respect of an ex proprietary tenancy the Collector shall be guided generally by the rules made by the Board under section 275 of the Agra Tenancy Act, III of 1926, under section 158 of the Oudh Rent Act, 1886, regarding the procedure to be observed in the trial of suits for the enhancement of rent with reference to fair and equitable rates

NOTE.—Under section 14(3) of the Agra Tenancy Act III of 1926, the officer empowered to fix the rent of the holding under section 36 is also required to divide off the previous share in the sir of the ex proprietary tenant

Registrar Qanungo to effect mutation

194.—In undisputed cases in which the tahsildar has passed final orders under the first paragraph of section 35 of the Act, and in all other cases when orders have been passed by the Collector, the record shall be made over to the Registrar Qanungo of the tahsil, who shall be responsible for the necessary entries being made both in the tahsil records and in those of the patwari

[G O no 244—381 dated the 2nd February, 1919 2/50 B)]

In all orders for mutation of names passed by any officer whether in disputed or undisputed cases, the officer shall, in his own hand specify the precise entry to be made as a result of his order and the khata or khatas of the khewat in which the new entry is to be made

195.—When mutation of names is ordered in respect of a mahal comprised in more than one tahsil, the tahsildar, in whose court the inquiry under section 35 was held shall communicate the orders passed to the other tahsil or tahsils for necessary action

196.—The fact that the entries required by the preceding paragraphs have been duly made shall be noted in the record of every case before such record is despatched for consignment to the record room

Effect of mutation under section 33

197.—*When mutation of names has taken place under* section 33 a report under section 34 is no longer required, and sub section (5) of that section becomes inoperative

CHAPTER XXII

Rules relating to the Record of Transfers and Changes affecting Interests in Land other than those required to be reported by section 34 of the United Provinces Land Revenue Act, 1901

198.—Under the rules in the Land Records Manual the patwari is responsible for recording transfers and changes in the khatauni, that is the register prescribed by section 32 (*e*) of the Land Revenue Act, 1901, and the Supervisor Qanungo is responsible for verifying the entries, for attesting divisions of holdings and distribution of rents under section 39(2) of the Act

199.—Revenue courts should not receive any application for the record of a transfer or change in the khatauni unless it is accompanied by an extract from the current khatauni, certified by the patwari, and showing that an entry has been made other than that desired by the applicant Applications which fulfil this condition should be sent to the tahsildar for investigation as disputed cases under section 39(3) of the Act

Tahsildars are also authorized by section 39 to receive such applications direct

200.—If a local inquiry is required in an investigation under section 39(3) of the Act, it shall be made by an officer not inferior in rank to a naib tahsildar

201.—If in an investigation made under section 39(3) of the Act, it appears that the patwari has recorded the facts of possession incorrectly, the investigating officer shall record a definite finding as to the culpability of the patwari, and submit it for the orders of the sub divisional officer

CHAPTER XXIII

Rules of Procedure for the Settlement of Private Boundary Disputes under section 41 of the United Provinces Land Revenue Act, 1901*

[*G O no 3940/IA—472/1927, dated the 21st October, 1927 (serial no 8) File no 384 B)]

Rules of fees to be recovered from the applicant

202.—For the services of the officer or official deputed fees shall be recovered from the applicant, or the parties in the dispute, as the court may determine at the following rates, according to the time taken up in the work by the officer or official, viz —

—	Minimum fee			For the first day or portion thereof	For each succeeding day or portion thereof
	Rs	a	p	Rs	Rs
(1) When a tahsildar is deputed	10	0	0	10	8
(2) When a naib tahsildar is deputed	5	0	0	5	4
(3) When a Supervisor Qanungo is deputed	3	0	0	3	3
(4) When a partition amin is deputed	3	0	0	2	2
(5) When a patwari is deputed	1	8	0	1	1

In the calculation of the fee the time taken in travelling to the spot and back from the officer s or official s headquarters for the purpose of the work shall be included with the time actually taken up by the work on the spot in the case

In addition, charges sufficient to cover any travelling or daily allowances to which the officer or official may be entitled under standing rules for such officer or official shall be recovered from the applicant or the parties

Payment of fee direct into the treasury

203.—The fees and charges levied under the preceding rule shall be paid direct into the Government treasury by the applicant or the parties and shall be credited under the head ' V—Land Revenue—Miscellaneous (a) Amin s fees for correction of field boundaries " They shall on no account be paid to the officer or official deputed for the work

G O no 1529/I—416 B dated the 2nd August 1935

Each court clerk shall maintain accounts of such receipts in the form given below

Date	Number of case with name of village	Name of the parties	Name and designation of the officer deputed to settle the boundary dispute	Actual number of days taken by the officer in conducting the inquiry	Amount of fees realized	Amount of travelling or daily allowances if any recovered from the applicant or the parties	REMARKS (Here state whether enquiry was conducted with survey or without survey)
1	2	3	4	5	6	7	8

204.—A sum sufficient in the opinion of the court to cover the daily fee payable under para 202 for the time which the duty to be performed is likely to require shall be paid before the order for the performance of the duty is issued Ordinarily the orders for the officer or official decided on to proceed with the work shall not be issued until the fee and charges leviable under para 202 have been credited into the treasury

In the case of a protracted inquiry or survey, which extends beyond the time originally calculated the proceedings shall ordinarily be suspended until a further fee and charges, if necessary sufficient to cover the additional time and additional allowances, if any, are credited into the treasury

Should fees be paid in excess, or should it become unnecessary for any reason ascertained in time to admit of the order being cancelled that the duty be performed the party by which the fees were paid shall be entitled to a refund of a proportionate part or the whole of the same, as the case may be

Wages of a chainman etc to be paid

205—If the officer or official making the local inquiry or survey requires the assistance of chainmen, flag-carriers, or other labourers the court shall determine to what extent such assistance is reasonably required, and shall direct the applicant or the parties in the case to provide such assistance, and any wages that may be necessary for such chainmen flag-carriers or labourers shall be paid to them direct by the applicant or the parties

Instructions relating to the Procedure for the Settlement of Private Boundary Disputes under section 41 of the United Provinces Land Revenue Act, 1901.

1 Proceedings for the settlement of boundary disputes should be disposed of through the land record staff of the district, or, when in any case the survey work required is heavier than what the available land record staff can undertake, through a partition amin, a substitute for the latter on the partition staff being entertained if required Only in those districts where the disputes are so numerous and the work so heavy that it cannot be coped with in the manner laid down above it is permissible to employ occasional amin with the special sanction of the District Officer In such a case fees at the rate chargeable when a partition amin is appointed will be recovered and the occasional amin shall receive pay travelling and daily allowance at the rate payable to a partition amin of the lowest grade Balance if any will be credited to Government

G O no 11/I—472, dated the 20th January 1934 (Sl no 3 File no 587 B,)

Disputes regarding boundaries to be settled by land records staff

2 On receiving an application which discloses that there is a dispute regarding a boundary the court shall send it to the Supervisor Qanungo of the circle through the tahsildar for a preliminary report In submitting his report the qanungo shall show clearly the nature of the dispute and so far as possible the points for determination involved in it A report from a qanungo under this rule which does not show clearly the nature of the dispute and the points involved shall not be accepted

Preliminary report

3 If the qanungo considers that a survey is necessary he shall also report exactly what measurements are required and how many days are needed for carrying them out The court shall then fix the number of days needed after consulting the Sadr Qanungo or partition ahlmad

Whether survey is necessary

4 On receiving a report in due form under the preceding para 2 or 3 the court shall decide whether local inquiry with or without a survey is necessary and whether this can be carried out by itself or should be carried out by a subordinate Government official and if so by whom the work required to be done shall be carried out whether by the qanungo or some superior revenue officer or by a patwari or by a partition amin and shall take the necessary steps to get the work carried out by the officer or official decided on giving him clear instructions as to what is required

Deputation of an officer for local inquiry

A tahsildar or naib tahsildar should not be deputed without the consent of the Collector The deputation of such officers sould be rare and ordinarily a revenue officer not above the rank of a Supervisor Qanungo should be deputed

5 The fees and charges levied under the rules shall on no account be accepted by the officer or official deputed under para 4 Such officer or official will receive his pay from Government funds as usual and shall be entitled to such travelling or daily allowance only as may be admissible under standing rules for an officer or official of his class when engaged on his ordinary official duties and such allowance shall be drawn by him in the usual way from the Government treasury on a departmental bill counter signed by the court which deputed him

Officer deputed for the supply of boundary pillars

6 For the purpose of the erection of per[illegible] certain cases of private boundary disputes in[illegible] demarcate the boundary as fixed by the court are [illegible] of

[illegible] boundary pillars [illegible]er para 675 of the [illegible] can purchase direct the pillars required and by whom also if the applicant or parties do not do the work themselves the actual work of setting up the pillars can be carried out the contractor being paid direct by the applicant or parties themselves

If when the boundary pillars are required by the court to be erected the applicant or parties directed fail to comply, it is open to the court to take the necessary action under section 29 of the *United Provinces Land Revenue Act*, 1901.

Apportionment of costs between several persons

7 If any question arises as to the apportionment of the costs of the case or of providing boundary pillars, the court can apportion the costs among the several persons concerned by an order under section 208 of the United Provinces Land Revenue Act, 1901

CHAPTER XXIV

Rules and Instructions relating to Partitions under the United Provinces Land Revenue Act, III of 1901

206. For rules and instructions regarding procedure in partitions, *see* separate Partition Manual

[G O no 353 C/IA—24, dated the 3rd February, 1928, (serial no 18, File no. 409-B)]

REFERENCE TABLE

Showing the paragraph of the Revenue Court Manual corresponding to the rules in the Board's Circulars

Rules in Board's circulars	Corresponding paragraphs in the Revenue Court Manual	Rules in Board's circulars	Corresponding paragraphs in the Revenue Court Manual
Board's circular 1—II	*Chapter I*	*Board's circular 2—II*—(concld)	*Chapter III* —(concld)
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Rules in Board's circulars	Corresponding paragraphs in the Revenue Court Manual
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Rule 4	Paragraphs 130 and 140
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